

CALIFORNIA STATE BOARD OF PHARMACY  
525 Golden Gate Ave. Rm. 210  
San Francisco, 2, California

1/26/62

TO BOARD MEMBERS AND INSPECTORS:

(For your information - NOT FOR PUBLICATION)

Following recap is based upon reports from coroner's offices submitted in compliance with Section 4163 of the Business & Professions Code, from the 16 counties listed below, during the fiscal year July 1, 1960 through June 30, 1961.

16 Counties Reported

Alameda	Merced	Sacramento	San Joaquin
Fresno	Monterey	San Bernardino	San Mateo
Lake	Orange	San Diego	Santa Cruz
Los Angeles	Riverside	San Francisco	Stanislaus

Notice to all counties listed below,  
no reports received during the fiscal  
year July 1, 1960 - June 1961.

Under Section 4163 Business & Professions Code,  
all deaths due to poisons must be reported  
within 30 days, to the Board of Pharmacy.

(Note: if no deaths attributed to Poison occur -  
a report is not required)

Counties Not Reporting

Alpine	Imperial	Mono	Sierra
Amador	Inyo	Napa	Siskiyou
Butte	Kern	Nevada	Solano
Calaveras	Kings	Placer	Sonoma
Colusa	Lassen	Plumas	Sutter
Contra Costa	Madera	San Benito	Tehama
Del Norte	Marin	San Luis Obispo	Trinity
El Dorado	Mariposa	Santa Barbara	Tulare
Glenn	Mendocino	Santa Clara	Tuolumne
Humboldt	Modoc	Shasta	Ventura
			Yolo
			Yuba

Total cases reported:620

Cases reported where drugs or poisons were considered  
the principle cause of death.

<u>Hypnotic Drugs</u>		(72.5%)	<u>Total-449</u>
Barbiturates		(68.7%)	<u>Total-426</u>
Barbiturate Mixtures	316	Secobarbital	21
Barbiturates & alcohol	4	Phenobarbital	22
Pentobarbital	42	Tuinal	14
		Amytal	7
Other Hypnotics		(3.7%)	<u>Total- 23</u>
Paraldehyde	6	Pentobarbital + Meproamate	1
Glutethimide (Doriden)	11	Barbiturate + Narcotic	1
Chloral Hydrate	2	Barbiturate + Paraldehyde	1
		CO + Barbiturate	1
<u>Tranquilizers</u>		(1.3%)	<u>Total- 8</u>
Meproamate	3	Meproamate + Librium	1
Bromides	3	Librium	1
<u>Carbon Monoxide</u>		(6.0%)	<u>Total- 37</u>
<u>Narcotics</u>		(5.0%)	<u>Total- 31</u>
Morphine	26	Codeine	1
Heroin	3	Demerol	1
<u>Industrial-Agricultural-Household, Etc.</u>		(10.1%)	<u>Total- 63</u>
Arsenic	14	Ethanol	1
Cyanides	12	Selenium	1
Nicotine	8	Iodine	1
Strychnine	10	Turpentine	1
Methanol	3	Oxalic Acid	1
Phosphorous	2	Malathion	1
Organic Phosphates	1	Flourides	3
Sulphide	1	Pot. Dichromate	1
Carbon		Parathion	1
Tetrachloride	1		
<u>Salicylates</u>		(3.0%)	<u>Total- 19</u>
Sominex (Salicylates + Antihistamine)	1		
Salicylates (Aspirin,etc)	18		
<u>Misc. Drugs</u>		(2.1%)	<u>Total- 13</u>
Darvon	2	Antihistamines	2
Orinase	1	Dilantoin Sod.	2
Amphetamine	2	Chloroquine Phos.	2
Chloroform	1	Theophylline	1

cm 1-26-62

# HOSPITAL CASES

A total of 561 poisoning cases were reported as treated at the S. F. Emergency Hospital during Fiscal period 1960-61. The cases reported are as shown below:

## Total cases reported

561

### Hypnotic Drugs

(41.7%)

Total-234

Barbiturates	222
Chloral-Hydrate	3
Paraldehyde	4
Doriden	2
Barb. Combinations	3

### Tranquilizers

(3.6%)

Total- 20

Meprobamate	14	Librium	2
Bromides	1	Thorazine	1
Ultram + Sal	1	Phenothiazine	1

### Antihistamine

(2.5%)

Total- 14

Phenergan	1
Methapyrilene	6
Misc.	7

### Salicylates (aspirin etc.)

(.32%)

Total-179

### Narcotics

(0.5%)

Total- 3

Codeine	1
Phenacetin + Codeine	2

### Industrial-Agricultural-Household, etc.

(10.7%)

Total- 61

Kerosene-DDT-Chlorodane	1	Naphthalene	3	Manganese	1
Arsenic	27	Acetone	1	Hydroxyzine	1
Petroleum Distillates	4	Hexol	1	Paint	1
Pine Oil	5	Lysol	2	Pot. Permanganate	2
Chlorine	1	Carbon		Toluene	1
Ink	1	Tetrachloride	2	Ammonia	2
Cresylic Acid	1	Tobacco	1	Strychnine	1
Blue Coloring	1			Soap	1

### Misc. Drugs & Poisons

(8.9%)

Total- 50

Isopropyl Alcohol	4	Phenacetin	3	Menthol	1
Iodine	2	Gentian-Violet	2	Trichlorethylene	1
Mephensin	1	Spirits		Digitoxin	2
Phenolphthalein	7	Turpentine	2	Eurax	1
Caffeine	1	Iron	4	Ethyl Alcohol	10
Camphorated Oil	1	Quinine	1	Theophylline	1
Reserpine	1	Merthiolate	1	(B <sub>1</sub> )Thiamine Hcl.	3
				Floraquin	1

EDMUND G. BROWN  
GOVERNOR



JAMES D. LOEBL  
DIRECTOR

## CALIFORNIA STATE BOARD OF PHARMACY

525 GOLDEN GATE AVE., ROOM 210  
SAN FRANCISCO 2

### BOARD MEMBERS

JOHN A. FOLEY • HAROLD B. GARFIELD • A. G. HALL • LEON HAPPELL  
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### BRANCH OFFICES

107 So. BROADWAY, ROOM 7117  
LOS ANGELES

1020 N STREET  
SACRAMENTO

August 7, 1962

The Honorable John A. O'Connell, Chairman  
and Members of the  
Assembly Committee on Criminal Procedure  
Room 2128, State Capitol  
Sacramento 14, California

My dear Mr. O'Connell:

Your letter of July 25, 1962 requests comments on legislative recommendations contained in the report of the Governor's Special Study Commission on Narcotics, as contained on pages 74 and 75 thereof.

After consultation with our Board and members of our legal staff, the following suggestions are made in reference to the recommendations. (In the interest of space the recommendations will not be copied.)

### Federal Law -

#1. It is most certainly not felt that the federal law should be made applicable to dangerous drugs in intrastate commerce.

Our experience indicates that since the now famous Sullivan Decision in the Chicago U. S. District Court, that F. D. A. has devoted considerable time to enforcement at the consumer level, with less regard to their primary responsibility of controlling illegal interstate shipments of dangerous drugs.

Our State enforcement agencies have done a competent job of controlling the intrastate problem. However, it is extremely difficult to prevent or control shipments coming into this State from eastern sources and from Mexico. Proper enforcement of the existing federal law would be of great benefit to local enforcement officers and emphasis should be placed on the enforcement of existing laws at the federal level, rather than to expand their authority.



Perhaps a resolution by our State Legislature, requesting the Federal Government to increase its drug enforcement program in an effort to reduce the incident of illegal interstate shipments, would be effective.

An effort should also be made to have the Federal Government enact legislature which would provide for better control over importations of dangerous drugs. The vast majority of drugs found on the illegal market in California are illegally imported from Mexico. The Customs department should have broader authority to seize illegal imports of dangerous drugs and for criminal prosecution of violators.

#2. There seems to be a misunderstanding in reference to the application of the term "Dangerous Drugs." Any effort to apply this recommendation to thousands of drugs classed as dangerous drugs would be impossible. There is, however, a need for more stringent controls over those drugs which are classed as hypnotic drugs [Section 4211(a)] and stimulant drugs [Section 4211 (c)].

There is no doubt a need at the Federal level for more adequate records of the manufacture, and particularly more records of the distribution of those drugs which fall into the hypnotic and stimulant drug classifications. The vast majority of cases of mis-use involve drugs coming within these two categories.

There are presently a number of bills in Congress which include provisions for requiring more records of manufacture and distribution of these drugs and it does not appear as if additional recommendations would be of value. It is felt, however, that any bill enacted by Congress should also require that the name of the manufacturer of the drug, as well as the name, etc. of the distributor, should be shown on the label of any drug shipped in interstate commerce.

Here again, perhaps a resolution, encouraging Congress to enact such legislation and provide better control, would be in order.

#3, #4 and #5 are covered by comments above.

Every effort should be made to oppose any extension of the Federal law, which would in any way extend the authority of the Federal Government to control intrastate commerce in dangerous drugs. If an adequate enforcement job is done at the Federal level, the State enforcement problem would be greatly reduced.

In reference to recommendations at the State level, our Board offers the following comments. Additional suggested changes in the dangerous drug law will be included later in this letter.

#1. The term dangerous drugs will be considered to include only hypnotics and stimulant drugs.

We do have provisions for purchase and sale records for hypnotic drugs and existing laws, with changes to be subsequently suggested, should provide for adequate control and enforcement.

Drugs coming within the hypnotic-stimulant groups, may be sold by pharmacies only on prescription in California and prescription files must be maintained by all pharmacies. These are considered as adequate records of dispensing.

Hypnotic drugs can be legally purchased by pharmacies from wholesalers and manufacturers only by use of the triplicate hypnotic order form. This record of purchases by retailers and the prescription record of sales provides for adequate accountability when the need arises.

We do experience some difficulty in preparing an inventory to show purchases and sales in reference to stimulant drugs. If consideration is to be given to recommendation #2, it would be well to consider changing the termination from "Triplicate Hypnotic Purchase Order Form" to "Triplicate Dangerous Drug Purchase Order Form" and to provide authority for the Board of Pharmacy to designate those drugs which must be purchased by use of this form.

Copies of these forms are forwarded to the Board by the wholesaler and manufacturer and these would provide us with information relative to excessive purchases by retail pharmacies and dispensing doctors. Use of the form would also prevent sales of stimulant drugs to persons not licensed, or authorized by law, to handle, sell or possess such drugs.

#2 and #3 - see #1.

#4. This suggestion is a good one, if it is intended to apply only to hypnotic and stimulant drugs.

It does seem, however, that the wording is a bit confusing. In any case, in order to establish the element "for the purpose of sale," a buy would be necessary. The recommendation, as worded, would make it a felony for a pharmacist to dispense a drug on a legal prescription, if the drug had not been obtained in strict compliance with the law.

It appears as if the wording "for the purpose of illegal sale" would be more proper. If an illegal sale of a dangerous drug was made by a person who obtained the drug by illegal means, then a felony would be proper.

#5 - This is the same as in #4.

#6. Please see recommendations as to specific changes in existing law as to penalties, etc. later in this letter.

#7. This recommendation is worthy of serious consideration by the Committee.

According to some of the testimony, there seems to be a misunderstanding in reference to the non-refillable prescription recommendation. Any prescription for a dangerous drug, except, of course, narcotics, may presently be refilled in keeping with instructions of the prescriber, or upon authorization by the prescriber. The doctor may, at the time of writing or orally giving the original prescription, designate the number

of times the prescription may be refilled, or he may authorize that it be refilled as needed. In either case, it is the responsibility of the pharmacist to refill the prescription, but only in keeping with the number of doses prescribed and the directions for use.

The refill designation, as presently used, is subject to alteration by a person who obtained the prescription for illegal use, or for the purpose of mis-using the drug. Raising of the number of refill authorizations is not an uncommon occurrence.

The refill authorization, when used in prescribing maintenance type drugs, is necessary and should be retained. In this type of case, the patient must continue the use of a drug for a long period of time in the treatment of a chronic condition and their ability to obtain the drug when necessary is essential to their well being.

Some testimony indicated that a doctor would have to write a new prescription for each quantity of medication to be ordered, if the non-refillable requirement was adopted. This conclusion is incorrect. Under present law, both State and Federal, prescriptions for dangerous drugs (except certain narcotics) may be in writing or given orally by the prescriber (telephone) to the pharmacist. If this restriction was adopted, it would be possible for the pharmacist to obtain a new prescription by telephone from the doctor with no more effort than is now required for obtaining a refill authorization.

On authorization by our Board, testimony was given before the Senate Public Health Committee at the San Francisco hearing on antibiotic drugs. It was suggested to that Committee that the Board of Pharmacy be given the authority to designate, by regulation, certain drugs which could not be furnished except on original prescriptions, which could be given orally or in writing (Non-refillable). It was felt that the designation of certain drugs, prescriptions for which could not be refilled, and by the adoption of regulations defining the pharmacists' responsibility to the prescriber when refills were requested, would be of great benefit in preventing mis-use and would reduce the incident of possible damage to the patient from undesirable side effects.

As an example: The drug in question during the Senate hearing was Chloramphenicol, an antibiotic drug of particular value in the treatment of certain conditions, but one which is claimed to produce a fatal anemia condition in some patients on continued use. The labelling on the drug clearly indicated that blood tests should be conducted at regular intervals during use of the drug, for evidence of anemia. This requirement was not followed by physicians in many cases, and the pharmacist when refilling the prescription, in keeping with the instructions of the prescriber, had no way of knowing that the blood tests had not been done. Our Board felt that if this type of prescription was not refillable, the pharmacist would be required (by regulation) to know why the drug was so restricted. If a refill was requested, it would be the pharmacist's responsibility to call the prescriber for a new prescription and to inform the doctor as to why this drug was placed on the non-refillable list.

If such a procedure was followed, the prescriber would be reminded of the requirement for such tests and the reasons therefore. It is possible that many deaths from anemia, resulting from continued use of this drug, could have been prevented by such a procedure.

There are many other examples that could be given, such as two drugs recently recalled by the manufacturer after release by the Federal Drug Administration, one of which caused, as side effects, the formation of cataracts and the loss of hair, and the other which caused blood dyscrasias. We have also read in recent publications of the dangers of such drugs as Thalidomide and Lysergic Acid (L.S.D.). Even though these drugs are presently used only by physicians in clinical experiments. If they were released for general prescription use, continual reminders of the deleterious side effects of such drugs would certainly be in order.

While many hypnotic and stimulant drugs used in small doses over long periods of time as maintenance drugs, are essential in the treatment of certain conditions, our greatest incident of mis-use is from drugs in these two classifications. Hypnotic drugs, particularly the barbiturates, are classed as addicting drugs. The tolerance built up by the mis-use of these drugs requires an ever increasing dosage and often results in death. Contrary to the testimony given at your hearing by one witness, barbiturate drugs account for approximately 64% of all deaths from poisons, as reported by California coroners. The list of poisons includes all industrial, commercial, agricultural and economic poisons, in addition to drugs and chemicals. In spot checking coroners' cases reported, we have found that 40% or less of the cases reported were or could be intentional. The remainder were classed as accidental.

Although the stimulant drugs seldom are considered the proximate cause of death, they do in many cases contribute. They are commonly used by persons addicted to the use of barbiturates, to overcome the drowsy effect caused by those drugs and indirectly contribute to an increasing tolerance for such drugs. Mis-use problems by juveniles and young adults are quite common, particularly in certain areas of our State.

Our Board has previously considered the possibility of placing a time limit on prescriptions and requiring a new prescription after a certain length of time. As an example: A prescription for a hypnotic to be used for producing sleep, or one for a stimulant drug to be used for weight reduction, prescribed in dosage units normally used for such purposes, could not be refilled for more than \_\_\_\_\_ days from the date of the original prescription. Even in the presence of refill authorization, the pharmacist would have to call the prescriber for a new prescription, if a refill was requested after the expiration date.

If your committee favorably considers the non-refillable recommendation, it might also be well for them to consider the advisability of providing for time limitations on prescriptions as suggested above.

In considering the over-all recommendations of the Commission, the committee should also be aware of the fact that the greatest factors which contribute to mis-use problems are illegal interstate shipments and illegal

importations from Mexico. As long as we have open ports on the Mexican border we will continue to have mis-use problems. However, there seems to be no logical reason why we cannot get more support from the Federal Government in overcoming both problems.

With suggestions as to statute changes, which will be included herein, we should have good control over legal California outlets. However, it has been necessary for us to require out-of-state shippers to obtain a license for the distribution of dangerous drugs in California, in order to prevent interstate shipments to unauthorized people and we presently have no control over the illegal importations.

Our Board has worked diligently in our effort to overcome mis-use problems in the interest of public health, safety and welfare and we request your careful consideration of the following suggested changes in the Dangerous Drug law to provide us with better tools to carry out our responsibility.

Suggestion for some statutory changes are based on possible action by your committee, as per previous suggestions.

Section 4211 - In the first paragraph - delete (e).

The subsection (e) as included, to remain as is.

(F. D. A. has recently restricted this drug to prescription only - even for animal use.)

Subsection (c) after "mixtures" add "or derivatives" thereof - etc.

delete the words "unfit for internal use" and add "when such preparations are denatured in compliance with regulations of the Board."

Section 4214 - add the following: "Physicians, Dentists, Podiatrists and Veterinarians may personally dispense dangerous drugs, provided that such drugs are dispensed in containers which are properly labeled to show all information required in Section 4228, except the prescription number, and provided that such drugs may not be dispensed by a nurse or attendant."

Section 4223 - delete the following - "to physicians, dentists, podiatrists and veterinarians licensed to practice in this state and---". (Section 4226.5 enacted in 1961 provides for purchases by those practitioners who administer only to the immediate needs of patients.)

Section 4224 - At the end of line 3 after the word "supplier" add: "who shall be a licensed retail pharmacy, or a licensed wholesaler or manufacturer." or such wording as would limit purchases to firms holding hypnotic permits from the Board.

In the second sentence, line 3, delete "licensing" and "under which the purchaser is licensed." This sentence would then read (in part) "forward the duplicate order to the Board within 30 days ---."

Delete the entire 3rd sentence, beginning with the words: "Within a reasonable" and ending with the words: "not less than 3 years."

In the 4th sentence, following the word "apply" add: "to a licensed wholesaler ordering hypnotic drugs from out of state manufacturers or" when hypnotic drugs are combined ---."



Delete the entire last sentence, beginning with the words: "Each licensing agency" and ending with the words: "as to its licensees."

Section 4227 in paragraph 3 - perhaps it would be well to include "Except as provided in Section 4226.5, no person shall"----

Section 4228 - delete the words "upon prescription." (Some physicians feel that the requirements of this section do not apply to them if they dispense. Any dangerous drug in the possession of a patient should be labeled as required by this section. Also see suggested Section 4214.)

Section 4229 - This section should be changed to include all restrictions considered as essential by your committee, as per recommendations of the Commission and suggestions included herein.

Wording to include the following provisions is suggested. "The Board shall, after open hearing conducted in compliance with Section 4240 of this article (chapter) designate by regulation those drugs which may be furnished only on an original prescription, which may be given orally or in writing, but which may not be refilled.

The Board shall by regulation designate a time limit during which any prescription for a dangerous drug may be refilled. In the absence of specific authorization by the prescriber, for the refilling of a prescription which may be refilled, authorization to refill may be given only to a pharmacist and only by the prescriber himself, or a licensed practitioner acting in behalf of the prescriber; or by a person employed and authorized by the prescriber who may transmit refill authorization to a pharmacist, but only after consultation with and approval by the prescriber, or a practitioner acting in his behalf, given on the date the refill is requested.

Prescriptions which are refillable and which the prescriber has authorized to be refilled as needed, may be refilled by the pharmacist, but only in keeping with the quantity of doses prescribed and the directions for use, when such prescription is to be refilled within the time limit designated by the Board.

Section 4230 - delete the following words in the first sentence "hypnotic drug or any preparation included in subdivision (c) of" and add the following in that space: "dangerous drug as defined by" (Section 4211 etc.)

In the second sentence, change the word "hypnotic" to "dangerous." This sentence would then read: "The provisions of this section do not apply to the possession of any dangerous drug by - - -."

Starting on line 5 of the second sentence, delete the remaining portion of the section, starting with the words "or producer and" and ending with the words "supplier or producer."

In place thereof add: "the supplier \*and producer and which has been procured in compliance with the provisions of this article."

\*Changing the word "as" to "and" would provide for identification of the manufacturer in addition to the distributor of such drug, as previously suggested.

Section 4233 - This section should be changed to include stimulant drugs, Section 4211(c), as well as hypnotics.

The fine should be raised to a minimum of \$500.00 and a maximum of \$1000.00.

A felony should be provided for punishment for second or subsequent offenses.

The administrative procedure provision should remain as is.

Section 4235 - This section should be changed to correspond with suggested provisions of Section 4233 - e.g. "other than a hypnotic drug or a drug defined in Section 4211 subsection (c)---."

A fine, as in suggested 4233, should be included and a provision included for a more severe punishment for subsequent offenses. Perhaps a mandatory county jail sentence for second offenses and a felony for subsequent offenses.

Section 4237 - This section should also include "false or fictitious telephoned prescriptions."

First offenses should be punishable by a fine or imprisonment in the county jail, subsequent offenses should be felonies punishable by imprisonment in State prison.

Section 4240 - The attention of your committee is directed to the words "not inconsistent with this division" as used in this section, with the suggestion that the word "Division" be changed to "chapter."

Assembly Committee hearings were conducted in late 1961 relative to a proposal that the provisions of Section 4061 be changed to give our Board the right to restrict the sale of certain types of proprietary remedies to pharmacists only, when after open hearing it was found that these remedies were being misused. The exemption included in Section 4061 would make it necessary for the Board to proceed under Section 4240 in such cases. The Board would, therefore, be limited to restricting the sale of such preparations to prescription only.

While there is an apparent need for some restriction, the Board does not feel that it would be proper to restrict such sales to prescription as it would deny legitimate users the right to purchase without a prescription. The products in question were nasal inhalants, certain asthma powders, certain antihistamines which produce drowsiness, and certain cough remedies.

In addition, there are certain asthma remedies, and certain other products which are prescription drugs according to California law, which should be available to legitimate users without prescription, but controlled to prevent mis-use.

If the word division was changed to chapter the Board could provide, by regulation, to furnish these drugs for legitimate users under restrictions which would make them available without prescription, while greatly reducing the incident of sales to persons who might mis-use these drugs.

Section 4390 - Although this section is not in Article 8, Dangerous Drug law, it does apply to violations of that article. This section should also include, as a violation, the transmission by telephone of a false or fictitious prescription or order for a dangerous drug.

Our legal counsel is presently studying our law to ascertain what changes might be necessary to provide control over export brokers who accept dangerous drug shipments for export to Mexico, but divert such shipments to unlicensed persons in this country. There is no provision of the Federal law which would control this problem and it appears as if all border States must enact effective legislation to prevent this practice.

Our Board is also considering other possible changes in the law and if any additional changes are suggested in Article 8, we will be happy to submit them to your committee for consideration and inclusion in any bill you might introduce, if you so desire.

Recent Attorney General Zone meetings have pointed up the necessity for many changes in the dangerous drug law. However, our Board feels that although stiffer penalties are needed in many cases, that consideration should also be given to providing for better control over legal disposition of such drugs.

If further explanation is desired in reference to any suggested changes, please let us know.

Very truly yours,

CALIFORNIA STATE BOARD OF PHARMACY

  
Floyd N. Heffron  
Executive Secretary

FNH:en

cc: Messrs. Bruce F. Allen  
Phillip Burton  
Gordon Cologne  
Robert W. Crown  
Louis Francis  
Vernon Kilpatrick  
John T. Knox  
Nicholas C. Petris  
Bruce Sumner  
Howard J. Thelin  
Gordon Winton  
Chet Wolfrum



# Memorandum

To : PERSONAL

Date : Aug/ 14, 1962

James D/ Loeb1, Director  
Dept. of P & V Stds  
1020 N St.  
Sacramento 14, Calif

File No.:

From : Board of Pharmacy

Subject: DANGEROUS DRUG LAW

Thanks very much for the copy of Governor Brown's press release of 8/6/62 and a copy of his testimony before the Senate Subcommittee on Juvenile Delinquency.

The Governor's concern over the Dangerous Drug problem is of great interest to our Board. As you may know, we have been trying to strengthen this law ever since the 1955 session, but, unfortunately, our efforts have been in vain. Changes previously requested would have provided for more adequate control over the years and could have reduced the misuse incident considerably.

It does appear as if there will be a great deal of support for any program the Governor may see fit to introduce, if more adequate statutes for the control of dangerous drugs will be provided. This problem has been the main topic of discussion during the Attorney General's Zone meetings, the State Narcotic Officers Association meetings, etc. I am sure the full support of all law enforcement agencies can also be expected,

For your information, attached is a copy of the Board's recommendations to the Assembly Committee on Criminal Procedure. The committee requested recommendations as a result of hearing conducted on the Narcotic Study Commission report.

Also attached is a copy of my memo to the Board, dated 8/9/62, relative to additional suggestions. In this you will note my reference to efforts to control the export broker. This is intended as a means of providing better control over the border problem.

If further explanation is desired in reference to any of the suggested statute changes or recommendations, I will be glad to furnish further details.

FLOYD N. HEFFRON  
EXECUTIVE SECRETARY

Honorable James D. Loeb1  
Director  
Department of Professional and  
Vocational Standards

August 31, 1962

Press Release  
No. 582, 8-6-62

This will acknowledge receipt of your memorandum  
of August 17, 1962 regarding the above subject.

Thank you for forwarding the material from Mr. Floyd  
N. Heffron, Executive Secretary of the Board of  
Pharmacy to this office.

Arthur L. Alarcon  
Executive Secretary

ALA:jt

# Memorandum

To : Mr. Arthur L. Alarcon, Executive Secretary  
The Honorable Edmund G. Brown  
Governor's Office  
Sacramento 14, California

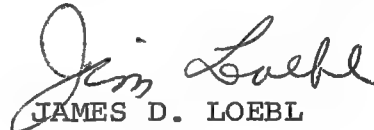
RECEIVED  
GOVERNOR'S OFFICE  
Date : August 1962  
1962 AUG 20 AM 11 40

From : Division of Administration

240286

Subject: Press Release No. 582 - dated 8-6-62

In accordance with my memorandum of August 9,  
1962, I am enclosing further material from Mr. Floyd N.  
Heffron, Executive Secretary of the Board of Pharmacy.

  
JAMES D. LOEBL

Director

JDL:gc

Encs.

Oct 29

San Francisco

October 29, 1961

Subsequent to the San Francisco meeting, certain points suggested during the San Francisco meeting were discussed with several representatives of the American Bar Association, including the American Bar Association, San Francisco.

Changes suggested by the Bar for submission to the Committee on Criminal Procedure, have been typed and are attached hereto. Additional changes requested by the Bar can be indicated at a later date if necessary.

The purpose of submitting this draft was to ensure the availability of existing controls over drug traffickers in the United States, to prevent transportation of drugs into the United States for export, it was a year as if we had a right to license these drug traffickers in that we control their dangerous drug activity. It is a year from now, I will let you know their new condition.

It was suggested by counsel that consideration should be given to the possibility of a further study, which would provide for an audit system to control drug traffic. It was felt that instead of the whole thing being put into the hands of the Federal Government, that something else be done that was in the interest of the public. This would include the giving of the prescription to the physician, the physician to the pharmacist, who would receive the prescription, the pharmacist, etc.

Please indicate, on the attached with check, your position relative to this suggestion and return the sheet to the Chairman of the Committee on Criminal Procedure, at the enclosed address, or immediately if the Committee will be set for the purpose of discussion during the October meeting.

It was also suggested that it would be well for the Committee to request the FBI, and any section within the FBI, to deal with this.

August 17, 1962

possession for illegal sale. The following is offered for consideration.

Section 4233.5 (to be added to approved changes)

Every person who is in illegal possession of any hypnotic drug or any drug or preparation included in subdivision (c) of Section 4211, who violates any of the provisions of this article with respect to any such drug or preparation is guilty of a felony. (please indicate your views on the vote sheet.)

With all of the recent publicity in reference to Thalidomide and *Sergeris acid*, etc., the question arises in my mind as to whether or not our Board should have information, or perhaps some control over experimental drugs being used in California.

News releases indicate that thalidomide was in possession of a large number of California doctors and that the drug was furnished as samples, rather than specifically for clinical evaluation. If this is true, it is quite unlikely that the doctors paid attention to warnings, etc. We also have information that a group of doctors on the Peninsula are using *LSD (Laseric acid)* for clinical experimentation. However, the manufacturer did not approve these doctors to evaluate the drug. Their supply is coming from a laboratory in Canada. *Sergeris*

It does seem that if these experimental drugs are to be used in California that we should at least know what the drug is and who is using it.

Perhaps this rightfully belongs to the Department of Public Health; but from all appearances, the only records or control is presently in the P.D.A.

Suggested only for your consideration.

Please note:

The attached vote sheet and any other suggestions as to legislation should be sent to Jack Foley prior to September 2th. The legislative committee is scheduled to meet in San Francisco on September 2th. Committee recommendations to be presented during the October meeting.

Budget suggestions should be sent to the Secretary by or before September 1st as the general operating budget for 1963-64 must be submitted on that date.

Please complete the attached vote sheet and mail it to Jack in the enclosed envelope.

Encls.

Alfred H. Jeffers  
Executive Secretary

To: John Foley, Chairman  
Legislative Committee

In reference to Floyd's letter of August 9, 1962, my feelings in regard to suggestions are as follows:

In re - Section 4215 - Prescription defined:

In re - suggested 4233.5 - to be added to previously approved suggestions:

In re - Experimental Drugs:

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

October 1, 1962

CALIFORNIA STATE BOARD OF PHARMACY

525 Golden Gate Avenue, Room 210.  
San Francisco 2, California.

TO: BOARD MEMBERS & INSPECTORS

(For your information.

NOT FOR PUBLICATION )

The following recap is based upon reports from coroners' offices, submitted in compliance with Section 4163 of the Business & Professions Code, from the 19 counties listed below, during the fiscal year July 1, 1961 thru June 30, 1962.

19 counties reported

Alameda	San Bernardino
Del Norte	San Diego
Fresno	San Francisco
Los Angeles	San Joaquin
Marin	Santa Barbara
Merced	Santa Cruz
Mono	Sonoma
Monterey	Stanislaus
Orange	Sutter
Sacramento	

Notice to 'all counties not reporting during 1961-62 fiscal year: Under Section 4163, Business & Professions Code, all deaths due to poisons must be reported within 30 days to the Board of Pharmacy, San Francisco office. (If no deaths attributed to poison occur, a report is not required.)

Counties not reporting:

Alpine	Lake	San Mateo
Amador	Lassen	Santa Clara
Butte	Madera	Shasta
Calaveras	Mariposa	Sierra
Colusa	Mendocino	Siskiyou
Contra Costa	Modoc	Solano
El Dorado	Napa	Tehama
Glenn	Nevada	Trinity
Humboldt	Placer	Tulare
Imperial	Plumas	Tuolumne
Inyo	Riverside	Ventura
Kern	San Benito	Yolo
Kings	San Luis Obispo	Yuba

1961-62 Poisons Report - Page 2.

TOTAL CASES REPORTED... 225  
(where drugs or poisons were considered principal cause of death)

HYPNOTIC DRUGS (76%) . . . . . Total: 551

Barbiturates: (73%) -(Total 530)

Unclassified	288	Phenobarbital	57
Barbit.&Alcohol	6	Tuinal	32
Pentobarbital	73	Amytal	7
Secobarbital	67		

Other Hypnotics: (3%) (Total 21)

Paraldehyde	6	Chloral Hydrate	3
Glutethimide	8	Hypnotic comb.	3
(Doriden)		Placidyl	1

TRANQUILIZERS: (1.4%) . . . . . Total: 10

Meprobamate	6	Sparine	1
Deprol	1	Librium	2

NARCOTICS (4.9%) . . . . . Total: 36

Narc.Barb.Comb.	2	Codeine	1
Morphine	24	Methadon	4
Codeine & Salicylates	4	Unclassified	1

SALICYLATES (2.6%) . . . . . Total: 19

MISCELLANEOUS DRUGS (2.5%) . . . . . Total: 18

Darvon	3	Dilantin Sod.	3
Digitales	1	Romilar	1
Pontocaine	1	Mixed Drugs &	
Antihistamines	2	Unclassified	7

TOTAL CASES DUE TO DRUG POISONING (87.5%) 634

Industrial-Agricultural-Household, Etc. (9%)

(including Carbon Monoxide (3.5) - 26 cases)

Solv.Kerosene base	1	Chloradane	1
Arsenic	15	Ethanol	2
Cyanides	14	Iodine	1
Strychnine	14	Turpentine	2
Nicotine	4	Fluorides	2
Methanol	1	Isotox	1
Phosphorous	2	Formaldehyde	1
Hydrogen Sulfide	1	Formaldehyde &	
Carbon Tetrachloride	2	Methanol	1

Total Non-Drug Poisonings (12.5%) 91

GRAND TOTAL..... 225



1961-62 Poisons Report - Page 3.

HOSPITAL CASES

A total of 535 poisoning cases were reported as treated at the San Francisco Emergency Hospital during fiscal period 1961-1962.

TOTAL CASES REPORTED . . . . . 535

HYPNOTIC DRUGS (36.8%) Total: 197

Barbiturates -(35.5%) - (190 cases)

Unclass.	110	Pentobarb.	35	Tuinal	8
Barb.Comb.	6	Secobarb	14	Butisol	4
(Barb & Alcohol-1)		Phenobarb	11	Amytal	2
Barb & Salicyl-5)					

Other Hypnotics - (1.3%) - (7 cases)

Chloral Hydrate 3; Paraldehyde 2; Doriden 2.

TRANQUILIZERS - (4.1%) Total: 22

Meprobamate	10	Librium	5	Sparine	2
Bromides	1	Librium & Barb.	1	Misc.	3

ANTIHISTAMINES (1.7%) Total: 9

Phenergan 1 Methapyrilene 3; Misc. 5.

SALICYLATES (aspirin,etc.) (41%) Total: 219

Aspirin	127	Salicylate & Antihistamine
Unclassified salicylates	76	(Sominex & other oct
		sleeping preparations) -16

NARCOTICS (0.02%) Total: 1

Codeine & Promethazine 1

MISCELL DRUGS (8.6%) Total: 46

Isopropyl Alc.	2	Sp. Turp.	2	Eth.Alc.	8
Phenolphthalein	2	Iron	6	Theophyline	1
Camphorated Oil	2	Quinine	3	Thiam.Hcl	1
Sulfa Drugs	2	Merthiolate	2	Darvon cpd	2
Dexamyl	3	Dilantin	4	Tolserol	1
Strychnine	1	Sloans Linmt.	1	Phenothiazine	1
Gentian Violet	1	Isopropane	1		

TOTAL CASES DUE TO DRUG POISONING: (92.4%). . . . . . 494

Industrial-Agricultural-Household,etc.(7.6%) Total 41

Evergreen Deodorizer	1	Naphthalene	1
Nail Polish Solvent	1	Bruce Floor Clnr.	1
Arsenic	13	Gasoline	1
Petrol.Distillates	9	Paradichloro-	1
Pine Oil (Hexol)	4	benzene	
Chlorine	4	Pot.Permanganate	2
Blue Coloring	1	Snow Storm Tablet	1
Oxalic Acid	1	(Metaldehyde)	

GRAND TOTAL.....535

FW:rcg

HCADVANCE FOR RELESE AFTER 2 P.M.  
RI

BCN5C  
HC

ADVANCE FOR RELESE AFTER 2 P.M.

RIVERSIDE, CALIF., DEC. 6 (UPI)--CALIFORNIA ATTY. GEN. STANLEY MOSK TODAY UNVEILED A 12-POINT LEGISLATIVE PROGRAM TO TIGHTEN CONTROL OF NARCOTICS, HYPNOTICS AND DANGEROUS DRUGS.

MOSK'S MESSAGE WAS READ TO THE STATE NARCOTICS OFFICERS' ASSOCIATION BY HIS CHIEF ASSISTANT ATTORNEY GENERAL, ARLO E. SMITH.

MOSK, IN CONCEDED A NEED FOR ADDITIONAL MEASURES, EMPHASIZED THAT "IN CALIFORNIA WE ARE FIRST NOT ONLY IN POPULATION BUT ALSO IN THE INCREASING EFFECTIVENESS OF OUR LEGISLATION DEALING WITH THE NARCOTICS TRAFFIC."

HE SAID HE WOULD PROPOSE THESE SIX MEASURES FOR NARCOTICS CONTROL TO THE 1963 LEGISLATURE:

--"A REQUIREMENT FOR TRIPLICATE PRESCRIPTIONS FOR PERCODAN AND CERTAIN CODEINE COMPOUNDS.

--"THE REMOVAL OF THE EXEMPTIONS FOR CERTAIN CODEINE PREPARATIONS SUCH AS THE CODEINE COUGH SYRUPS, THUS REQUIRING PRESCRIPTIONS.

--"ADDING CONSPIRACY TO THE LIST OF PRIOR OFFENSES WHICH WOULD INCREASE PUNISHMENT FOR SUBSEQUENT NARCOTIC VIOLATIONS.

--"MAKING THE THEFT OF NARCOTICS A GRAND THEFT.

--"COMPULSORY COMMITMENT OF NARCOTIC ADDICTS IN REHABILITATION FACILITIES.

--"BROADENING OF SEARCH LAWS FOR AUTOMOBILES."

MOSK SAID HE ALSO WOULD PROPOSE THESE SIX ADDITIONAL MEASURES FOR CONTROL OF DANGEROUS DRUGS:

--"INCREASED PENALTIES FOR POSSESSION, SALE, USE OF DANGEROUS DRUGS, AND FORGERY OF PRESCRIPTIONS FOR SUCH DRUGS.

--"CREATION OF THE NEW OFFENSE OF POSSESSION OF DANGEROUS DRUGS FOR ILLEGAL SALE AND THE ADDITION OF THE OFFENSE OF ILLEGALLY TRANSPORTING DANGEROUS DRUGS.

--"ADDITION OF AN OFFENSE TO OBTAIN A PRESCRIPTION FOR A DANGEROUS DRUG BY FRAUD, DECEIT AND MISREPRESENTATION.

--"A RESOLUTION BY THE LEGISLATURE CALLING FOR FEDERAL CONTROL ON THE PRODUCTION AND DISTRIBUTION OF DANGEROUS DRUGS.

--"SOME MODIFICATION OF THE PRESCRIPTION REQUIREMENTS FOR DANGEROUS DRUGS SUCH AS A PROVISION THAT PRESCRIPTIONS BE NON-REFILLABLE.

--"EXPANSION OF OUR NARCOTIC ADDICTS REHABILITATION PROGRAM TO INCLUDE DANGEROUS DRUG ADDICTS."

MOSK SAID THAT CALIFORNIA'S DOUBLE APPROACH TO NARCOTICS CONTROL--"TOUGHER PENALTIES AND A REHABILITATION PROGRAM"--HAD "PROVEN EFFECTIVE."

"RESEARCH INTO THE CAUSES AND CURES OF ADDICTION AND PREVENTIVE EDUCATION OFFER MANY POSSIBILITIES FOR REDUCTION OF THE PROBLEM," HE ADDED. HE ASKED FOR MORE RESEARCH BY THE BUREAU OF CRIMINAL STATISTICS, THE DEPARTMENT OF EDUCATION AND THE CALIFORNIA REHABILITATION CENTER.

THE ATTORNEY GENERAL URGED THE STATE NARCOTICS OFFICERS ASSOCIATION TO SUPPORT HIS LEGISLATIVE PROGRAM. HE NOTED THE GROUP "HAS CONSISTENTLY BACKED MEASURES AIMED AT EFFECTIVE NARCOTIC CONTROL AND FORCEFULLY BACKED THE INCREASED PENALTIES ESTABLISHED IN 1961...."

(ADVANCE FOR RELEASE AFTER 2 P.M.)

RWKV

RW1PS..

December 17, 1962

Honorable George A. Millson  
Member of the Assembly  
Fifty-Second District  
3400 Florence Avenue  
Huntington Park, California

Dear George:

This will acknowledge receipt of your letter of December 6, 1962, enclosing Assembly Preprint Bills 4 and 5 on "Dangerous Drugs".

I have referred your proposed bills to Paul Ward for study and suggestion.

I deeply appreciate your willingness to "dove-tail" your work on this most serious matter with the Governor's own program.

I look forward to working closely with you during the 1963 Session.

Cordially

Arthur L. Alarcon  
Executive Secretary

(One copy sent to PW)

3400 • LAW OFFICES  
WILLSON AND ASSOCIATES  
1726 FLORENCE AVENUE  
HUNTINGTON PARK  
PHONE: LUDLOW 9-5354  
  
SACRAMENTO ADDRESS  
ROOM 5126  
STATE CAPITOL  
ZONE 14



COMMITTEES  
ELECTIONS AND  
REAPPORTIONMENT  
FINANCE AND INSURANCE  
GOVERNMENT ORGANIZATION  
JUDICIARY  
MUNICIPAL AND COUNTY  
GOVERNMENT  
  
MEMBER  
JUDICIAL COUNCIL

*gch*  
*To Art*  
*Blarcon*

GEORGE A. WILLSON  
MEMBER OF ASSEMBLY, FIFTY-SECOND DISTRICT  
VICE CHAIRMAN  
COMMITTEE ON JUDICIARY

256563

December 5, 1962

Paul D. Ward  
Legislative Secretary to the  
Governor of the State of California  
Capitol  
Sacramento, California

1962 DEC 7 AM 9 36

RECEIVED  
GOVERNOR'S OFFICE

Dear Paul:

Herewith Assembly Preprint Bills 4 and 5 on the subject matter of "Dangerous Drugs". As you know, I have been working with the Narcotics Division of the Los Angeles Police Department, and I am interested in carrying legislation along this line and in line with the Governor's program. Any suggestions you may have I shall be happy to receive.

I am looking forward to our work together in the coming session.

Warmest personal regards.

Sincerely,

George A. Willson

GAW:bab

*Legis - narc +  
Drug Drugs*

December 18, 1962

Mr. William MacKenzie, President  
Northern Central California  
Narcotic Officers' Association  
180 West Rosa Street  
San Jose 10, California

Dear Mr. MacKenzie:

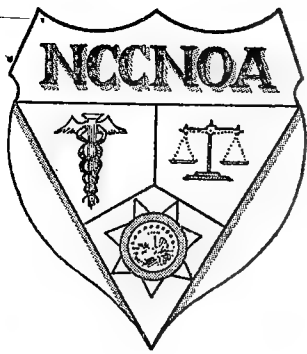
This will acknowledge receipt of your letter of December 14, 1962, addressed to Governor Brown, regarding resolutions passed at the December meeting of your association on narcotic and dangerous drug legislation.

Mr. Alarcon is presently on vacation in Mexico. He will be returning to this office on January 4. At that time I will bring your letter to his attention for discussion with Governor Brown.

Sincerely

(Mrs.) Joyce McQueary  
Secretary to Mr. Alarcon

2-27-63 Mr. Alarcon said no further reply is necessary here.



# Northern Central California Narcotic Officers Association

180 WEST ROSA STREET

SAN JOSE 10, CALIFORNIA

## OFFICERS

LT. BILL MacKENZIE, *President*, San Jose Police Department; LT. LES DOLAN, *Vice President*, San Francisco Police Department; SGT. CECIL PIRTLE, *Secretary*, Santa Clara County Sheriff's Office; SGT. GORDON BUSSEY, *Treasurer*, Eureka Police Department.

December 14, 1962

RECEIVED  
GOVERNOR'S OFFICE  
1962 DEC 17 PM 2 41

Honorable Governor Edmund G. Brown  
Governor's Office  
First Floor  
State Capitol  
Sacramento, California

258575

Dear Governor Brown:

The Northern Central California Narcotic Officers' Association and Southern California Narcotic Officers' Association held their annual joint meeting in Riverside, California on December 6 and 7, 1962.

One of the purposes of joint meetings is to review case material and proposals relative to the Associations' position on narcotics and drug legislation. Because the membership is composed of police officers, deputy sheriffs, State and Federal Narcotic Agents and officers of other departments, such as Probation and Parole, all of whom are actively engaged in narcotic enforcement or rehabilitation work, the Associations through their experience and knowledge are familiar with the many enforcement and social problems created by narcotic and drug abuse. The Associations have proposed and recommended certain legislative solutions to these problems.

The members of the Narcotic Associations are pleased at the display of confidence of several of the larger law enforcement association groups which have indicated they would rely on our Associations for Narcotic and Dangerous Drug legislative proposals before taking a firm position in that legislative area. The same compliment has been received from several civic organizations. It is gratifying to receive this acknowledgement that our proposals and position in the past years has been realistic and based on first-hand knowledge of those whose primary duties are narcotic enforcement and narcotic rehabilitation.

As the result of our December meeting, the combined Associations passed resolutions reflecting our position on Narcotic and Dangerous Drug legislation and instructed the officers to communicate these resolutions to you. They are as follows:

### Resolution No. 1

Divide legislative bills on Dangerous Drugs so as to distinguish between illicit trafficking and medicinal prescription control. The groups of Dangerous Drugs

## COMMITTEE CHAIRMEN

MATT O'CONNOR, *Supervising Agent, Public Information*; AL HEDERMAN, *Asst. D.A., Legislative Committee*; LT. TED BROWN, *Current Problems and Research*

## EXECUTIVE COMMITTEE

LT. BILL MacKENZIE; LT. TED BROWN, *Oakland Police Department*; MATT O'CONNOR, *Supervising Agent, Bureau of Narcotic Enforcement, San Francisco*; AL HEDERMAN, *Asst. D.A., Alameda County*; RAY MOMBOISSE, *Deputy Atty. General, Department of Justice, Sacramento*; FLOYD HEFFRON, *Executive Secretary, State Board of Pharmacy, San Francisco*; DAN CASEY, *Agent, U.S. Bureau of Narcotics, San Francisco*

intended to be effected by the resolutions are identified as the Amphetamine and Barbiturate groups only.

Resolution No. 2

Increase penalties for Dangerous Drug violations--Illegal Possession and Sale of Dangerous Drugs; also using a false name or false address and Forgery or altering of prescriptions for such drugs.

Resolution No. 3

Creation of new offenses--of Illegal Possession with the intent to sell and Illegally Transporting Dangerous Drugs.

Resolution No. 4

Creation of a new offense--obtaining a prescription for Dangerous Drugs by fraud, deceit, misrepresentation and subterfuge.

Resolution No. 5

Creation of a new offense--No person shall use, or be under the influence of Dangerous Drugs, excepting when administered by or under the direction of a person licensed by the State to prescribe and administer Dangerous Drugs.

NOTE: Please see attached Chart regarding Increased and New Penalties.

Resolution No. 6

Propose a resolution by the California Legislature requesting Federal control on the production and distribution of Dangerous Drugs.

Resolution No. 7

Modification of the prescription requisites for Dangerous Drugs, i.e., that each prescription must be originated by a physician by plain blank or telephone and not be refillable.

Resolution No. 8

More emphasis on scientific research and preventive education in Narcotic and Dangerous Drug use.

Resolution No. 10

The drug Dihydrohydroxycodone (Percodan) be placed in the official triplicate group.

Resolution No. 11

Require the removal of the exemptions for certain Codeine preparations such as Codeine cough syrup which would result in requiring a prescription by a physician, telephoned or plain blank.

Resolution No. 12

Establish that the theft of Narcotic Drugs is Grand Theft.

Resolution No. 13

Enlarge the Search and Seizure Laws to include the search of automobiles (any vehicle) under the dominion and control of persons under arrest, located outside the curtilage of the home.

Resolution No. 14

Add Conspiracy to the list of prior offenses which would be construed as a prior and result in increased penalties for subsequent Narcotic or Dangerous Drug violations.

Resolution No. 15

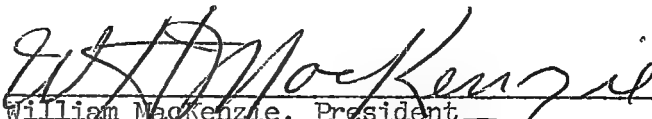
Compulsory registration of illicit Narcotic or Dangerous Drug users or addicts which would result in a civil or criminal commitment to the Rehabilitation Program.

In the spirit of cooperation the membership instructed the officers and legislative representatives to meet with you for the purpose of preparing resolutions in the form of actual drafts of bills. The representatives will subsequently advise the Associations' members of the identity of the specific bills and their legislative authors. The entire membership at that point, together with other law enforcement associations and civic groups, will combine efforts to successfully assist the legislators in passage of the bills.

Yours very truly,



James Broadbelt, Chairman  
Southern California  
Narcotic Officers' Association



William Mackenzie, President  
Northern-Central California  
Narcotic Officers' Association



OFFENSE	PRESENT LAW	PROPOSED LEGISLATION
Illegal possession	Misdemeanor \$500 fine and/or 6 mos. Co. Jail	1st Off. Misdemeanor \$3,000 fine and/or 1 yr. Co. Jail. 2nd Off. Felony 1 yr. Co. Jail or 1-10 State Prison
Possession with intent to illegally sell Dangerous Drugs	No existing law	Felony 1st Off. Co. Jail or 1-10 State Prison 2nd Off. 2-20 State Prison.
Sell, furnish, admin. or give away	Misdemeanor \$500 fine and/or 6 mos. Co. jail	Felony
Transport, import or offer to transport, import, sell, furnish, admin. or give away Dangerous Drugs	No existing law	1st Off. Co. Jail or 1-10 State Prison 2nd Off. 2-20 State Prison
Use minor as agent Sale to minor Dangerous Drugs	Felony 6 mos. 5 yrs. State Prison	Felony 1st Off. 5-Life State Prison 2nd Off. 10-Life State Prison
Forged or altered prescription for Dangerous Drugs	1st Off. Misd. \$100-\$500 fine 2nd Off. Felony 6 mos. 1 yr. Co. Jail or 1-6 State Prison	Felony 1st Off. 1 yr. Co. Jail or 1-6 State Prison 2nd Off. 2-20 State Prison
Fraud, deceit, misrepresentation or subterfuge used in obtaining Dangerous Drugs	No Existing law	Felony 1st Off. 1 yr. Co. Jail or 1-6 State Prison 2nd Off. 2-20 State Prison
False name or False address in re. prescription of Dangerous Drugs	No existing law	Felony 1st Off. 1 yr. Co. Jail or 1-6 State Prison 2nd Off. 2-20 State Prison
No person shall illegally use or be under the influence of a Dangerous Drug	No existing law	Misdemeanor Co. Jail and commitment to Rehab. Center

*Prop. Legis.*

*all*

# GOVERNOR'S OFFICE

INTEROFFICE MEMORANDUM

SACRAMENTO

TO ARTHUR ALARCON  
FROM Paul Ward

DATE January 22, 1963  
SUBJECT Dangerous Drugs

Many Assemblymen have been contacting me in regard to the dangerous drugs legislation. Most of the requests could be handled because we were able to give those requesting this legislation other legislation to handle. There are two Assemblymen I believe, however, that should be named as co-authors of this bill with Senator Regan. They are Assemblyman Willson and Assemblyman Gonsalves. Also, the sooner we could get this legislation drawn and in, the better since it would stop others from introducing similar legislation. (Willson already has a bill in, but I am sure we could get him to drop it and go as co-author.)

PDW:lj

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to add Chapter 8 (commencing with Section 11900) to Division 10 of the Health and Safety Code, relating to hypnotic and amphetamine drugs.

The people of the State of California do enact as follows:

Section 1. Chapter 8 (commencing with Section 11900) is added to Division 10 of the Health and Safety Code, to read:

Chapter 8

RESTRICTED DANGEROUS DRUGS

Article 1 - Definitions and General Provisions

11900. "Chapter" as used in this chapter, unless otherwise specifically designated, means Chapter 8, Division 10, Health and Safety Code.

11901. "Restricted Dangerous Drugs", as used in this chapter, means any of the following:

(a) "hypnotic drug" including acetyluric derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "amphetamine" including amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

Article 2 - Offenses

11910. Except as otherwise provided in Article 8, chapter 9, division 2, of the Business and Professions Code, every person who possesses any restricted dangerous drug except upon the written

prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State shall be punished by a fine of not more than three thousand dollars (\$3,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

If such person has been previously once convicted of a violation of section 11910 or of any felony offense described in this Division or of a conspiracy to violate any offense described in this Division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this State would be punishable as an offense described in this Division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than one year nor more than ten years; or he shall be imprisoned in the county jail for not more than one year.

11911. Except as otherwise provided in Article 8, chapter 9, division 2, of the Business and Professions Code, every person who possesses for sale any restricted dangerous drug shall be punished by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison for not less than one year nor more than ten years.

If such person has been previously once convicted of a violation of section 11910 or of any felony offense described in this Division or of a conspiracy to violate any offense described in this Division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this State would be punishable as an offense described in this Division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than twenty years.

11912. Except as otherwise provided in Article 8, chapter 9, division 2, of the Business and Professions Code, every person who transports, imports into this State, sells, furnishes, administers, or gives away, or offers to transport, import into this State, sell, furnish, administer or give away, or attempts to import into this State or transport any restricted dangerous drug except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State shall be punished by imprisonment in the state prison for not less than two years nor more than twenty years.

If such person has been previously once convicted of a violation of section 11910 or of any felony offense described in this Division or of a conspiracy to violate any offense described

in this Division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this State would be punishable as an offense described in this Division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from five years to life.

11913. Every person who violates any provision involving restricted dangerous drugs in this article, by use of a minor as agent, or who solicits, induces, encourages or intimidates any minor with the intent that said minor shall violate any provision involving restricted dangerous drugs of this article, or who unlawfully furnishes, offers to furnish or attempts to furnish restricted dangerous drugs to a minor shall be punished by imprisonment in the state prison from five years to life.

If such person has been previously once convicted of a violation of section 11910 or of any felony offense described in this Division or of a conspiracy to violate any offense described in this Division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this State would be punishable as an offense described in this Division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from ten years to life.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

11914. Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any restricted dangerous drug, or who obtains any restricted dangerous drug by any forged, fictitious, or altered prescription, or who has in possession any restricted dangerous drug secured by such forged, fictitious or altered prescription, shall be imprisoned in the county jail for not more than one year or imprisoned in the state prison for not less than one nor more than 6 years.

If such person has been previously once convicted of a violation of section 11910 or of any felony offense described in this Division or of a conspiracy to violate any offense described in this Division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this State would be punishable as an offense described in this Division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison not less than two years and no more than twenty years.

11915. (1) No person shall obtain or attempt to obtain restricted dangerous drugs, or procure or attempt to procure the administration

of or prescription for restricted dangerous drugs by fraud, deceit, misrepresentation, subterfuge or by the concealment of a material fact.

(2) No person shall, for the purpose of obtaining restricted dangerous drugs, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, podiatrist, veterinarian or other authorized person.

(3) No person shall affix any false or forged label to a package or receptacle containing restricted dangerous drugs.

Any person violating this section shall be punished for the first offense by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison for not less than one nor more than six years.

If such person has been previously once convicted of a violation of section 11910 or of any felony offense described in this Division or of a conspiracy to violate any offense described in this Division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this State would be punishable as an offense described in this Division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison not less than two years nor more than twenty years.



11916. No person shall, in connection with the prescribing, furnishing, administering or dispensing of a restricted dangerous drug give a false name or false address.

Any person violating this section shall be punished for the first offense by imprisonment in the county jail for not more than one year, or by imprisonment in the state prison for not less than one nor more than six years.

If such person has been previously once convicted of a violation of section 11910 or of any felony offense described in this Division or of a conspiracy to violate any offense described in this Division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this State would be punishable as an offense described in this Division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison not less than two years nor more than twenty years.

11917. As used in this chapter "felony offense" and offense "punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

11918. Except where fines are specifically provided, in addition to the terms of imprisonment provided for in sections 11910

through 11916, inclusive, of this Code, the trial court may impose a fine not exceeding five thousand dollars (\$5,000) for each such offense. In no event shall said fine be levied in lieu of or in substitution for the term of imprisonment provided by law for any of said offenses.

11919. It is unlawful to possess any device, contrivance, instrument or paraphernalia used for unlawfully injecting a restricted dangerous drug.

11920. Except where otherwise provided in this article, every person who violates any provision of this article, with respect to any restricted dangerous drug is guilty of a misdemeanor punishable by a fine not to exceed three thousand dollars (\$3,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

PROPOSED LEGISLATION RE: AMENDING SECTIONS 4234, 4235, 4237,  
4238 of, AND REPEALING SECTION 4233 OF, THE BUSINESS AND  
PROFESSIONS CODE

The proposed bill merely amends those sections  
in the dangerous drug law which provide for misdemeanor  
penalties for violations involving hypnotic and amphetamine  
drugs. The bill deletes the misdemeanor penalties for hypnotics  
and amphetamines in order to avoid any duplicating penalty  
provisions in the new chapter on restricted dangerous drugs  
contained in the Health and Safety Code.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to repeal Section 4233 of, to amend Sections 4234, 4235, 4237 and 4238 of, the Business and Professions Code, relating to dangerous drugs.

The people of the State of California do enact as follows:

Section 1. Section 4233 of the Business and Professions Code is repealed.

4233. Every person who violates any provision of this article, with respect to any-hypnotic drug is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Upon a conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter may, institute and maintain proceedings for the revocation or suspension of such license. The proceedings shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and such board shall have all of the powers granted therein.

Section 2. Section 4234 of said Code is amended to read:

4234. Every person who violates any provision of this article with respect to dangerous drugs other than hypnotics or any preparation included in subdivision (c) of section 4211 by use of a minor as an agent or by unlawfully furnishing any hypnotic

or dangerous drug to a minor is guilty of a felony.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

Section 3. Section 4235 of said Code is amended to read:

4235. Every person who violates any provision of this article, other than Section 4230 or Section 4227 insofar as the said sections relate to hypnotic drugs or any preparation included in subdivision (c) of Section 4211, is guilty of a misdemeanor.

Section 4. Section 4237 of said Code is amended to read:

4237. Every person who forges or increases the quantity of dangerous drugs other than a hypnotic drug or any preparation included in subdivision (c) of Section 4211 in any prescription or who issues a prescription bearing a forged or fictitious signature for any dangerous drug as defined herein such drug, or who obtains any dangerous drug such drug by any forged, fictitious, or altered prescription, or who has in possession any dangerous drug such drug secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), and for each subsequent offense shall be imprisoned in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years.

Section 5. Section 4238 of said Code is amended to read:

4238. A conviction of the violation of any of the provisions

of this article or of any provision of article 2, Chapter 8,  
Division 10 of the Health and Safety Code shall constitute  
grounds for the suspension or revocation of any license issued  
to such person under any of the provisions of the Business and  
Professions Code of the State of California or under the pro-  
visions of this article. The proceedings for suspension or  
revocation shall be conducted in accordance with the Administra-  
tive Procedure Act, Chapter 5 of Part 1 of Division 3 of Title  
2 of the Government Code.

PROPOSED LEGISLATION RE: AMENDING SECTION 4228 OF THE  
BUSINESS AND PROFESSIONS CODE

By deleting the words "upon prescription", the present proposed labeling requirements of dangerous drug containers will be made applicable to physicians who dispense such drugs from their own office supplies. Any dangerous drug in the possession of a patient should be labeled as required by this section.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to amend Section 4228 of the Business and Professions Code, relating to dangerous drug container labels.

The people of the State of California do enact as follows:

Section 1. Section 4228 of the Business and Professions Code is amended to read:

4228. No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the date, the name and address and prescription number of the furnisher, the names of the prescriber and of the person for whom prescribed, and the directions for use given by the prescriber.



Proposed Legislation re Amendment to Section 4229 of the Business and Professions Code, eliminating the refillable as needed prescription.

The amendment proposed here eliminates what the pharmacists refer to as the p.r.n. (pro re nata) prescription. This eliminates any ambiguity as to the propriety of the p.r.n. (pro re nata) prescription. It should eliminate blanket prescribing. This bill will require the prescriber to specify at the time of giving the prescription the amount to be given over a definite period of time. It gives both the prescriber and the dispenser greater control over the use of the medication. This bill should assist in avoiding the possibility of accidental overdose, the possibility of developing supplies for suicide and the possibility of the patient developing an addiction unknown to the prescriber.

Introduced at Request of Attorney General,  
Department of Justice

An act to amend Section 4229 of the Business and Professions Code, relating to dangerous drug prescriptions.

The people of the State of California do enact as follows:

Section 1. Section 4229 of the Business and Professions Code is amended to read:

4229. No prescription for any dangerous drug may be refilled except upon authorization of the prescriber which may be given orally or at the time of giving the original prescription. No prescription for any dangerous drug may be designated refillable as needed.

PROPOSED LEGISLATION RE: ADDING SECTION 11921 TO THE  
HEALTH AND SAFETY CODE

This bill creates a new offense of using or being under the influence of restricted dangerous drugs, that is, hypnotics or amphetamines. It is similar to section 11721 of the Health and Safety Code which is aimed at narcotic users. However, it should be noted that the new bill does not contain a provision requiring a mandatory 90 day confinement in the county jail. Under the instant bill probation may be granted by the court.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

An act to add section 11921 to the Health and Safety Code, relating to the use of hypnotic or amphetamine drugs.

The people of the State of California do enact as follows:

Section 1. Section 11921 is added to the Health and Safety Code to read:

11921. No person shall use, or be under the influence of restricted dangerous drugs excepting when administered by or under the direction of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State. It shall be the burden of the defence to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

CALIFORNIA LEGISLATURE, 1963 REGULAR (GENERAL) SESSION

Assembly Joint Resolution, relating  
to federal legislation for the control  
of barbiturates and amphetamines

WHEREAS, the interstate traffic in barbiturates and amphetamines is increasing and the form in which they are consumed renders the determination of their place of origin ordinarily impossible; and

WHEREAS, investigation by the law enforcement agencies has revealed that heroin users cut off from their normal sources of illegal supply are turning with increasing frequency to the use of these drugs, and in particular methedrine which is known to produce violent and dangerous reaction, including delusions and hallucinations; and

WHEREAS, under present systems of control it is both cheaper and easier to obtain these drugs to satisfy this morbid and depraved habit to the great injury of both the addicted user and society as a whole; and

WHEREAS, there is an ever increasing use of these preparations especially among the youths of the United States, and their use opens the door to the use of marijuana, heroin and other narcotics; and

WHEREAS, there is great and urgent need for Federal legislation controlling the interstate traffic in these preparations; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF CALIFORNIA, JOINTLY, that the Congress of the United States is respectfully requested to amend United States law to protect the health and public welfare of the United States by providing for legislation similar in form to that contained in Senate Bill 1939, 87th Congress, 1st Session, which controls the compounding, processing and distribution of barbiturates and amphetamines; and be it further

RESOLVED, that the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Proposed Legislation re Amendments to Sections 11500, 11500.5, 11501, 11502, 11502.1, 11530, 11530.5, 11531, 11532, 11540 and 11557 of the Health and Safety Code.

This bill adds conspiracy to violate any section of Division 10 of the Health and Safety Code (narcotics) to the list of prior offenses which would increase the penalty upon subsequent conviction. A person who is convicted of conspiracy to sell narcotics and is subsequently convicted of a sale of narcotics is treated under the existing law as a first time offender. This bill is intended to close a loophole in our law. This problem has arisen as a practical problem for law enforcement in the past two years.



Introduced at the request of Attorney General,  
Department of Justice

An act to amend Sections 11500, 11500.5, 11501, 11502, 11502.1, 11530, 11530.5, 11531, 11532, 11540 and 11557 of the Health and Safety Code, relating to prior narcotic convictions.

The people of the State of California do enact as follows:

Section 1. Section 11500 of the Health and Safety Code is amended to read:

11500. Except as otherwise provided in this division, every person who possesses any narcotic other than marijuana except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State, shall be punished by imprisonment in the state prison for not less than two years nor more than 10 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

If such a person has been previously convicted once of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned



in the state prison for not less than five years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

Section 2. Section 11500.5 is added to said code to read:

11500.5. Except as otherwise provided in this division every person who possesses for sale any narcotic other than marijuana shall be punished by imprisonment in the state prison for not less than five years nor more than 15 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 2-1/2 years in prison.

If such person has been previously once convicted of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously once convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years, and shall not be eligible for release upon completion of sentence, or parole, or on any other basis until he has served not less than six years in prison.

If such a person has been previously two or more times convicted of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously two or more times convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for not less than 15 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served

not less than 15 years in prison.

Section 3. Section 11501 of the Health and Safety Code is amended to read:

11501. Except as otherwise provided in this division, every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any narcotic other than marijuana except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this State shall be punished by imprisonment in the state prison from five years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than three years in prison.

If such a person has been previously convicted once of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on

parole, or on any other basis until he has served not less than 10 years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

Section 4. Section 11502 of the Health and Safety Code is amended to read:

11502. Every person of the age of 21 years or over who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall knowingly violate, with respect to a narcotic other than marijuana, any provision of this chapter or Section 11721, or who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any narcotic other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic

other than marijuana to a minor shall be punished by imprisonment in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted once of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by

the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

Section 5. Section 11502.1 of said code is amended to read:

11502.1. Every person under the age of 21 years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that said minor shall knowingly violate, any provision of this chapter or Section 11721, or who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale or peddle any narcotic other than marijuana or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison not less than five years.

If such a person has been previously convicted of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 10 years.

This section is not intended to affect the jurisdiction of the juvenile court.

Section 6. Section 11530 of the Health and Safety Code is amended to read:

11530. Every person who plants, cultivates, harvests, dries, or processes any marijuana, or any part thereof, or who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the state prison for not less than one year nor more than 10 years and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than one year in prison.

If such person has been previously convicted once of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

If such person has been previously convicted two or more times of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has



been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison for five years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

Section 7. Section 11530.5 of the Health and Safety Code is amended to read:

11530.5. Every person who possesses for sale any marijuana except as otherwise provided by law shall be punished by imprisonment in the state prison for not less than two years nor more than 10 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than two years in prison.

If such a person has been previously once convicted of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously once convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon



a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than five years nor more than 15 years, and shall not be eligible for release upon completion of sentence, or parole, or any other basis until he has served not less than three years in prison.

If such a person has been previously two or more time convicted of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously two or more time convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than six years in prison.

Section 8. Section 11531 of the Health and Safety Code is amended to read:

11531. Every person who transports, imports into this State, sells, furnishes, administers or gives away, or offers to transport, import into this State, sell, furnish, administer, or give away, or attempts to import into this State or transport any marijuana shall be punished by imprisonment in the state prison from five years to life and shall not be eligible for

release upon completion of sentence, or on parole, or on any other basis until he has served not less than three years.

If such a person has been previously convicted once of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in a state prison from five years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he

shall be imprisoned in a state prison from 10 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

Section 9. Section 11532 of the Health and Safety Code is amended to read:

11532. Every person of the age of 21 years or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale or peddling any marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any marijuana to a minor, or who induces a minor to use marijuana in violation of law, is guilty of a felony punishable by imprisonment in the state prison from 10 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than five years in prison.

If such a person has been previously convicted once of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found

to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from 10 years to life, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 10 years in prison.

If such a person has been previously convicted two or more times of any felony offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted two or more times of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or are admitted by the defendant, he shall be imprisoned in the state prison from 15 years to life and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than 15 years in prison.

Section 10. Section 11540 of the Health and Safety Code is amended to read:

11540. Every person who plants, cultivates, harvests, dries, or processes any plant of the genus *Lophophora*, also known as peyote, or any part thereof shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

If such a person has been previously convicted of any offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

Section 11. Section 11557 of the Health and Safety Code is amended to read:

11557. Every person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any narcotic shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than 10 years.

If such a person has been previously convicted of any offense described in this division or of a conspiracy to violate any offense described in this division or has been previously convicted of any offense under the laws of any other state or of the United States which if committed in this State would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information

and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than two years nor more than 20 years.

Proposed Legislation re Inclusion of Restricted Dangerous Drug Addicts in the present narcotic rehabilitation program.

This proposal provides for the commitment of restricted dangerous drug addicts under the new (1961) Penal Code provisions for commitment of narcotic addicts.

This proposal accompanies the proposed increased penalties for offenses involving restricted dangerous drugs.

Under existing law, a person addicted to the use of these drugs may be admitted to the facilities of the Department of Mental Hygiene. In the year ending June 30, 1962, 173 habit-forming drug addicts were admitted to the state hospitals. The additional post-release supervision provided under the Penal Code sections, together with the compulsory commitment proceedings provided in the Penal Code, should serve to assist in bringing these addicts into the facilities and provide for closer control and supervision during rehabilitation.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to amend Chapter 11 and Article 4 thereof of Title 7, Part 3 of, and to amend Sections 6400, 6402, 6404, 6405, 6450, 6451, 6453, 6500, 6501, 6506, 6520, 6551 of, and to add Section 6407.1 of, the Penal Code, relating to commitment and corrective treatment of narcotic addicts and restricted dangerous drug addicts.

The people of the State of California do enact as follows:

Section 1. Chapter 11 of Title 7, Part 3 of the Penal Code is amended to read:

CHAPTER 11. COMMITMENT AND CORRECTIVE TREATMENT OF NARCOTIC  
ADDICTS AND RESTRICTED DANGEROUS DRUG ADDICTS

Section 2. Section 6400 of said code is amended to read:

6400. The narcotic and restricted dangerous drug detention, treatment and rehabilitation facility referred to herein shall be one within the Department of Corrections whose principal purpose shall be the receiving, segregation, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are or have been addicted to narcotics or restricted dangerous drugs or who by reason of repeated use of narcotics or restricted dangerous drugs are in imminent danger of becoming addicted.

Section 3. Section 6402 of said code is amended to read:

6402. The director may enter into agreements with the Director



of Mental Hygiene pursuant to which persons committed to the custody of either for narcotic addiction or restricted dangerous drug addiction or imminent narcotic addiction or restricted dangerous drug addiction can be transferred to an institution under the jurisdiction of the other.

Section 4. Section 6404 of said code is amended to read:

6404. The parole rules shall include, but not be limited to, close supervision of the parolee after release from the facility, periodic and surprise testing for narcotic use or restricted dangerous drug use, counseling and return to inpatient status at the narcotic and restricted dangerous drug detention and treatment facility at the discretion of the Adult Authority if from the reports of the parole officer, or other evidence as to the conduct of the parolee, the Adult Authority concludes that it is for the best interests of the parolee and society that this be done. The Director of Corrections is authorized to establish a halfway house in a large metropolitan area as a pilot project in order to determine the effectiveness of such control upon the addict's rehabilitation, particularly upon his release from the narcotic and restricted dangerous drug detention and treatment facility. Rules and regulations governing the operation of such halfway house shall be established by the Director of Corrections and shall provide for control of the earnings of parolees during their residence in such halfway house, from which shall be deducted such charges for

maintenance as the Director of Corrections may prescribe.

Section 5. Section 6405 of said code is amended to read:

6405. The Director of the Department of Corrections shall engage in a program of research in the detention, treatment and rehabilitation of narcotic addicts and restricted dangerous drug addicts.

Section 6. Section 6407.1 is added to said code to read:

6407.1. "Restricted Dangerous Drug Addict" as used in this chapter refers to any person, whether adult or minor, who is addicted to the unlawful use of any restricted dangerous drug as defined in Division 10 of the Health and Safety Code.

Section 7. Section 6450 of said code is amended to read:

6450. Upon conviction of a defendant of any crime in a municipal or justice court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics or restricted dangerous drugs may be in imminent danger of becoming addicted to narcotics or restricted dangerous drugs, such judge shall adjourn the proceedings or suspend the imposition of the sentence and certify the defendant to the superior court.

The superior court shall direct the sheriff to file a petition to ascertain if such defendant is addicted to

narcotics or restricted dangerous drugs or is in imminent danger of becoming addicted thereto. Proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the defendant charged is a narcotic drug addict or a restricted dangerous drug addict, or by reason of repeated use of narcotics or restricted dangerous drugs is in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 6452 hereof, he shall make an order committing such defendant to the custody of the Director of Corrections for a period of five years, except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic drug addict or restricted dangerous drug addict and is not in imminent danger of becoming addicted to narcotics or restricted dangerous drugs, he shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section, after conviction of a misdemeanor other than a violation of Section 11721 of the Health and Safety Code, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

Section 8. Section 6451 of said code is amended to read:

6451. Upon conviction of a defendant for any crime in any superior court, if the judge ascertains that the defendant is addicted or by reason of repeated use of narcotics or restricted dangerous drugs is in imminent danger of becoming addicted to narcotics or restricted dangerous drugs he shall adjourn the proceedings or suspend the imposition of the sentence and direct the sheriff to file a petition to ascertain if such person is addicted to narcotics or restricted dangerous drugs or in imminent danger thereof unless in the opinion of the judge the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section. If a petition is ordered filed, proceedings shall be conducted in substantial compliance with Section 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the person charged is a narcotic drug addict or a restricted dangerous drug addict, or by reason of repeated use of narcotics or restricted dangerous drugs is in imminent danger of becoming addicted to narcotics or restricted dangerous drugs, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility for a period of 10 years, except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict or a

restricted dangerous drug addict and is not in imminent danger of becoming addicted to narcotics or restricted dangerous drugs, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

Section 9. Section 6453 of said code is amended to read:

6453. If at any time the Director of Corrections concludes that the person is not a fit subject for confinement or treatment in such narcotic or restricted dangerous drug detention, treatment and rehabilitation facility, he shall return the defendant to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted.

Section 10. Section 6500 of said code is amended to read:

6500. A sheriff, chief of police, minister, physician, probation officer, a relative, friend or any other person who believes that a person is addicted to the use of narcotics or restricted dangerous drugs or by reason of the repeated use of narcotics or restricted dangerous drugs is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney who may petition the superior court for a commitment of such person to the Director

of Corrections for confinement in the narcotic and restricted dangerous drug detention, treatment and rehabilitation facility.

Section 11. Section 6501 of said code is amended to read:

6501. Every person who knowingly contrives to have any person adjudged a narcotic addict or restricted dangerous drug addict under this article, unlawfully or improperly, is guilty of a misdemeanor.

Section 12. Section 6506 of said code is amended to read:

6506. At the hearing the court shall determine whether the person is addicted to the use of narcotics or restricted dangerous drugs or in imminent danger of addiction thereof.

If that issue is determined in the negative, the petition shall be denied. If the issue is determined in the affirmative, the court shall order the person committed to the custody of the Director of Corrections for a period of five years, except as this chapter permits earlier discharge.

Article 4 of Chapter 11, Title 7, Part 3 of the Penal Code is amended to read:

DISCHARGE OF NARCOTIC ADDICTS AND RESTRICTED DANGEROUS DRUG ADDICTS

Section 13. Section 6520 of said code is amended to read:

6520. If at any time the Adult Authority is of the opinion that a person committed pursuant to Article 3 of this chapter

while on parole has abstained from the use ~~or~~ of narcotics and restricted dangerous drugs for at least three consecutive years and has otherwise complied with the conditions of parole it shall discharge such person from the program.

If at any time the Adult Authority is of the opinion that a defendant committed pursuant to Article 2 of this chapter while on parole has abstained from the use of narcotics and restricted dangerous drugs for at least three consecutive years and has otherwise complied with the conditions of parole it may file with the superior court of the county in which the defendant was committed a certificate alleging such facts and recommending to the court the discharge of the defendant from the program. The Adult Authority shall serve a copy of such certificate upon the district attorney of the county. Upon filing such certificate the court shall discharge the defendant from the program and may dismiss the criminal charges of which such defendant was convicted. Where such defendant was certified to the superior court from a municipal or justice court, the defendant shall be returned to such court, which may dismiss the original charges. In any case where the criminal charges are not dismissed and the defendant is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203.4 of the Penal Code, except the conviction is a prior conviction for purposes of this division.

Section 14. Section 6551 of said code is amended to read:

6551. The principal purpose of the California Rehabilitation Center shall be the receiving, segregation, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are addicted to the use of narcotics or restricted dangerous drugs or are in imminent danger of becoming so addicted.



PROPOSED LEGISLATION RE: ADDING SECTIONS 11280, 11281,  
11282 and 11283 TO THE HEALTH AND SAFETY CODE

The fact is unquestioned that pharmacies and pharmacists must keep records with respect to narcotics, purchases, sales, compounding and dispensing. Prescriptions must be kept on file and orders recorded. This is true under Federal law.

The State Narcotic Act has no law specifically covering the pharmacist. Always in the past, whenever such records become an issue in a case, it has been necessary to refer to Article 3, Sections 11225, 11226 and 11227, Health and Safety Code. This Article, however, is titled, "Prescriber's Record" and obviously was intended to apply only to the physician, dentist, etc. Furthermore, the records required apply specifically to the prescriber and not the pharmacist. For instance, Section 11225 states that the record kept must show the pathology and purpose for which the narcotic was prescribed. Obviously, this is a matter not within the knowledge of the pharmacist.

The new code sections require that narcotic prescriptions be kept in a separate file and specifies the data that must be recorded therein. In addition, the bill prohibits the preparing or dispensing of a narcotic prescription by anyone other than a registered pharmacist and creates

a rebuttable presumption with regard to narcotic records.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to add Article 6 (commencing with section 112801 to chapter 3 of Division 10 of the Health and Safety Code, relating to pharmacists' records.

The people of the State of California do enact as follows:

Section 1. Article 6 (commencing with Section 11280) is added to Chapter 3 of Division 10 of the Health and Safety Code, to read:

Article 6

PHARMACISTS' RECORDS

11280. The owner of a pharmacy or any person who purchases a narcotic upon Federal Order Forms as required under the provisions of an act of Congress approved December 17, 1914, relating to the importation, manufacture, production, compounding, sale, dealing in, dispensing and giving away of opium, coca leaves, isonipeccaine or opiates or any compound, manufacture, salt, derivative, or preparation thereof, and who sells narcotics obtained upon such Federal Order Forms in response to prescriptions shall maintain and file such prescriptions in a separate file apart from non-narcotic prescriptions. Such files shall be preserved for a period of three years.

11281. The prescription file shall constitute a record that as to the transactions shall show all of the following:

- (a) The name and address of the patient.
- (b) The date.

(c) The character and quantity of the narcotics involved.

(d) The name, address, and Federal Registry number of the prescriber.

11282. No person other than a Registered Pharmacist under the laws of this State shall compound, prepare, fill or dispense a prescription for a narcotic.

11283. In a prosecution under this division, proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law or that the amount of narcotics possessed by the defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

PROPOSED LEGISLATION RE: ADDING SECTION 11161 TO THE HEALTH  
AND SAFETY CODE

This amendment serves to eliminate an ambiguity or confusion in the present section which merely states who may write a prescription. The amendment covers the oral prescription as well as those cases wherein an unlicensed person seeks to authorize a prescription for a narcotic.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

An act to amend Section 11161 of the Health and Safety Code, relating to narcotic prescriptions.

The people of the State of California do enact as follows:

Section 1. Section 11161 of the Health and Safety Code is amended to read:

11161. No person other than a physician, dentist, podiatrist, or veterinarian shall ~~write-a-prescription~~ prescribe, write, order,  
or authorize a prescription for a narcotic.

PROPOSED LEGISLATION RE: ADDING SECTION 11007 TO THE  
HEALTH AND SAFETY CODE

The Narcotic Act presently states that a prescription under the Act is one for a narcotic. Nowhere in the Act is a prescription defined. In cases arising in court, the question of just what constitutes a narcotic prescription frequently arises. It has been necessary always in the past to refer to Section 4036 of the Business and Professions Code (the Pharmacy Act) to arrive at a definition. The proposed amendment follows the definition in the Pharmacy Act in general and contains only those changes which make it completely compatible with other sections of the Narcotic Act. It requires that the prescription be in the handwriting of the prescriber and requires the Federal Narcotic Registry number, rather than license classification. In addition to being a description of a prescription, it covers the word "order" as it appears in the Narcotic Act.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to amend section 11007 of the Health and Safety Code, relating to a definition of a prescription for a narcotic.

The people of the State of California do enact as follows:

Section 1. Section 11007 of the Health and Safety Code, is amended to read:

11007. "Prescription", as used in this division, means a prescription for a narcotic. Such a prescription is an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher, or indirectly by means of a written order in the handwriting of the prescriber, signed by the prescriber, and shall contain the address of the prescriber, his Federal Narcotic Registry number, the name and address of the patient, the name and quantity of the drug prescribed, directions for use, and shall be dated as of the date on which it is written.



Proposed Legislation re Amendment of Section 6500 of the Penal Code, mandatory report of addiction.

This proposal amends section 6500 of the Penal Code to eliminate permissive reporting by a person who believes himself addicted to narcotics. It adds section 6500.1 which requires a narcotic addict to report his addiction to the district attorney. Further, it adds section 6500.2 which makes it a misdemeanor for an addict to fail to report such addiction. This mandatory reporting requirement by narcotics addicts should assist in filling the gap made in California's narcotic enforcement by the decision of the U. S. Supreme Court in Robinson v. California.

One of the great problems which the new commitment system has overcome is the bringing of the addict into the facility for rehabilitation. The most effective method of bringing the addict into a rehabilitation facility is a new procedure adopted in the 1961 Legislature. Thirty-nine percent of the commitments to the California rehabilitation facility from October, 1961 to July, 1962, were the result of convictions under section 11721 of the Health and Safety Code. The decision in Robinson v. California removed in large part this important method of bringing addicts into the rehabilitation center. The U. S. Supreme Court struck down that portion of section 11721 of the Health and Safety Code which provides that anyone addicted to the use of narcotics is guilty of a misdemeanor.

This proposal requires the addict to report his addiction. His failure to do so is made a misdemeanor. This new statute should be an important tool for law enforcement in bringing addicts in for possible commitment to the rehabilitation facility.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to amend Section 6500, and to add Sections 6500.1 and 6500.2 of the Penal Code, relating to narcotic addiction.

The people of the State of California do enact as follows:

Section 1. Section 6500 of the Health and Safety Code is amended to read:

6500. A sheriff, chief of police, minister, physician, probation officer, a relative, friend or any other person who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use ~~or any person who believes himself to be addicted or about to become addicted~~ may report such belief to the district attorney who may petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

Section 2. Section 6500.1 is added to said Code to read:

6500.1. Any person who has reasonable cause to believe himself to be addicted to the use of narcotics or by reason of his repeated use of narcotics to be in imminent danger of becoming addicted to their use must report such belief to the district attorney who may petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

This section shall not apply to any person who is undergoing treatment for narcotic addiction pursuant to the provisions of article 2, chapter 4, division 10 of the Health and Safety Code; or pursuant to the provisions of article 1, chapter 3, part 1, division of the Welfare and Institutions Code.

Section 3. Section 6500.2 is added to said Code to read:

6500.2. Any person who shall fail to comply with the reporting requirement of section 6500.1 shall be guilty of a misdemeanor.

Proposed Legislation re Amendment of Section 11721 of the  
Health and Safety Code.

This amendment simply strikes that portion of section 11721 which makes it a misdemeanor to be "addicted to the use of narcotics." This amends the statute in accordance with the decision of Robinson v. California, 8 L.Ed. 758, 370 U.S. 660, which struck down this portion of the statute as unconstitutional.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to amend Section 11721 of the Health and Safety Code, relating to the using or being under the influence of narcotics.

The people of the State of California do enact as follows:

Section 1. Section 11721 of the Health and Safety Code is amended to read:

11721. No person shall use, or be under the influence of, ~~or be addicted to the use of~~ narcotics, excepting when administered by or under the direction of a person licensed by the State to prescribe and administer narcotics. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition hereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to add section 11690 to the Health and Safety Code, relating to evidence in narcotic cases.

The people of the State of California do enact as follows:

Section 1. Section 11690 is added to the Health and Safety Code, to read:

11690. In any proceeding commenced to enforce provisions of Division 10 of this code, any narcotics or physical evidence of a narcotics offense procured by a search of any vehicle under the dominion and control of a person under lawful arrest, and while such vehicle is outside the curtilage of any dwelling, shall be admissible in evidence.

PROPOSED LEGISLATION RE: AMENDING SECTION 487 OF THE  
PENAL CODE

Under present California law, outsiders who break and enter drug stores, hospitals or other places where narcotics are dispensed, are normally guilty of a serious felony such as robbery or burglary. However, the trusted employee who has access to these drugs and violates his trust by stealing them or taking them either for his own use or resale is guilty of only petty theft. The actual medicinal value, that is the wholesale value, is small in most cases. The "street" value in the illicit market may be very great. A petty theft may enable the thief to realize a large monetary gain. Because of the minimum penalty, the temptation is great and the profit is a considerable attraction. The proposed amendment would make the violation of such a trust in reference to narcotics a grand theft.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to amend Section 487 of the Penal Code,  
relating to grand theft.

The people of the State of California do enact as follows:

Section 1. Section 487 of the Penal Code is amended  
to read:

487. 1. When the money, labor or real or personal property taken is of a value exceeding two hundred dollars (\$200); provided, that when domestic fowls, avocados, citrus or deciduous fruits, nuts and artichokes are taken of a value exceeding fifty dollars (\$50); provided, further, that where the money, labor, real or personal property is taken by a servant, agent or employee from his principal or employer and aggregates two hundred dollars (\$200) or more in any 12 consecutive month period, then the same shall constitute grand theft.

2. When the property is taken from the person of another.

3. When the property taken is an automobile, horse, mare, gelding, any bovine animal, any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow or pig.

4. When the property taken is a narcotic as defined in section 11001 of the Health and Safety Code.



PROPOSED LEGISLATION RE: REPEALING SECTION 11200 OF THE  
HEALTH AND SAFETY CODE

Section 11200 is the "exempt" section of the Narcotic Act. The drugs, mostly codeine cough syrups, listed therein may be sold over-the-counter without prescription. By removing this exemption these compounds will only be available through prescriptions. The codeine cough syrup is used by addicts to tide them over from one purchase of hard narcotics to another. In addition, it has caused addiction in a class of persons not ordinarily involved with narcotics, such as the housewife. Other preparations as inexpensive and effective as a narcotic cough syrup are available to the public and are available without prescription.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to repeal Section 11200 of the Health and Safety Code, relating to the exemption of certain narcotic preparations from the prescription requirement.

The people of the State of California do enact as follows:

Section 1. Section 11200 of the Health and Safety Code is repealed.

~~11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations containing in one fluid ounce, or, if a solid or semi-solid preparation, in one avoirdupois ounce, without additional narcotics, not more than one grain of codeine, or two grains of Nescapine (formerly narcotine) or to Mixture Glycyrrhiza compound, N.F. However, the exemptions herein provided do not exempt any person from the provisions of Section 11225 of this division.~~

PROPOSED LEGISLATION RE: AMENDING SECTION 11166.12 OF  
THE HEALTH AND SAFETY CODE

This Section of the Narcotic Act is the one section which excepts certain narcotic preparations from the official triplicate prescription. It is the section which provides for plain blanks, (single prescription forms) and for oral or telephonic orders. These exceptions to the triplicate were made in the case of those preparations which were believed to have a lesser potency or less likelihood of causing addiction. In these cases, the restrictions were eased.

The amendment would remove dihydrohydroxycodone (Percodan, trade name), thereby making it a straight Class A narcotic as defined by Federal law and would require triplicate control.

Percodan is a synthetic narcotic--not a dangerous drug. Its manufacturer has admitted that it has the same addicting potential as morphine, as well as the analgesic qualities. Triplicate control of this narcotic is now necessary due to the fact that there has been a sharp increase in the illicit use of this drug particularly in the amount of forged prescriptions used in obtaining it. More prescriptions are forged for this drug than all other narcotics combined. The use of triplicate prescriptions would go far

toward preventing the large number of forgeries. With a triplicate prescription, one copy goes to the Bureau of Narcotics and is there processed by machines enabling the Bureau to quickly track down any forgeries.

In addition to the Percodan change, several drugs are added to the exceptions. These additions conform to Federal law, particularly those additions arising from the Manufacturing Act of 1960.

Also, the word "handwriting" is substituted for the present word "writing". This makes it conform to other Code sections, all of which require handwriting. It is, of course, essential to have handwriting in cases of forgery or to avoid the anonymity of a typewriter in a drug store when there is a case of diversion by a pharmacist or employee.

The word "active" is added to the words "non-narcotic medicinal ingredient" to conform also to Federal law which uses that word. A mixture of a narcotic in plain water in an attempt to come within the exception would of course come within the purview of medicinal ingredient but not of active medicinal ingredient.

The amendment also seeks to change the requirement that an oral prescription be reduced to writing within twenty-four (24) hours. The amendment requiring that the oral prescription be reduced to writing prior to filling conforms, again, with Federal law.

INTRODUCED AT THE REQUEST OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

An act to amend Section 11166.12 of the Health and Safety Code, relating to triplicate narcotic prescription requirements.

The people of the State of California do enact as follows:

Section 1. Section 11166.12 of the Health and Safety Code is amended to read:

11166.12. The provisions of this Code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine, dihydrocodeine, dihydrohydroxycodeinone, or dihydrocodeinone combined with other active, non-narcotic medicinal ingredients.

(b) Codeine in combination with ~~any of the narcotic drugs mentioned in this section with the exception of~~ dihydrocodeinone or dihydrohydroxycodeinone apomorphine hydrochloride, ethylmorphine hydrochloride, noscapine, papaverine hydrochloride, narceine, or cotarnine.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other active non-narcotic medicinal ingredients ~~except codeine.~~

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

(g) Noscapine (formerly narcotine).

(h) Narceine.

(1) Cotarnine.

(1) Preparations in solid form containing not more than 2.5 milligrams diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit.

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be reduced to writing handwriting within twenty-four-(24)-hours, by the pharmacist, prior to filling such prescription. The name and address of the person for whom prescribed and the name, address, telephone number, and registered number of the prescriber must be recorded on the prescription.

MEMORANDUM ON: RESTRICTED DANGEROUS DRUGS -- HYPNOTICS  
AND AMPHETAMINES

In the last few years there has been a steady increase in the illicit traffic in two classes of drugs, hypnotics and amphetamines. The hypnotics are the barbiturates such as seconal and phenobarbital. The amphetamines are stimulants such as dexedrine and benzedrine.

It has been discovered that many of these drugs are being used by heroin addicts to sustain and supplement their narcotic habit. There is also an apparent shift by juveniles from the use of marijuana to the use of such drugs. Many deaths, accidents and crimes of violence have resulted from the illicit use of such drugs. At the present time violations for the illicit furnishing of hypnotic and amphetamines are subject only to the same misdemeanor penalties that apply to all other prescription drugs, e.g. penicillin. Since the hypnotics and amphetamines are responsible for the major problem in illicit traffic, such drugs should be distinguished from all other classes of drugs. In order to effect this distinction and any recognition of the fact that enforcement problems in this area are similar to narcotic enforcement problems, such legislation has been established in a new chapter of Division 10 of the Health and Safety Code entitled "Restricted Dangerous Drugs", including only the hypnotic and amphetamine drugs.

The proposed legislation consists of increased penalties for possession, sale, and sale to minors of restricted dangerous drugs as well as an increase in penalty for forged or altered prescriptions used in the obtaining thereof. In addition new offenses have been created to include the possession for sale, transporting, importing or offering to sell restricted dangerous drugs, and the use of fraud, misrepresentation or deceit and the giving of a false name or address in the obtaining of restricted dangerous drugs.

Attached to this report you will find a chart which shows the existing law in each of the above areas and the proposed legislation including the specific terms of imprisonment for each of the offenses. In this respect, it should be observed that the proposed sentences for each of the offenses is slightly less than the existing penalties for violations involving marijuana and, of course, considerably less than the penalties for violations involving all other narcotics.



PROPOSED LEGISLATION TO PROVIDE FOR ADDITIONAL OFFENSES AND INCREASED  
PENALTIES FOR POSSESSION, SALE, ETC. OF RESTRICTED DANGEROUS DRUGS

ATTORNEY GENERAL STANLEY MOSK

OFFENSE	PRESENT LAW	PROPOSED LEGISLATION
Illegal Possession	Misdemeanor \$500 Fine and/or 6 mos. Co. jail	1st Off. Misdemeanor \$3,000 Fine and/or 1 yr Co. jail  2nd Off. Felony 1 jr. Co. jail or 1-10 State Prison
Possession for illegal sale	No existing law	Felony 1st Off. Co. jail or 1-10 State Prison 2nd Off. 2-20 State Prison
Sell, Furnish, Administer, or Give Away	Misdemeanor \$500 fine and/or 6 mos. Co. jail	Felony
Transport, import or Offer to transport, import, sell, furnish, administer or give away	No existing law	1st Off. Co. jail or 1-10 State Prison 2nd Off. 2-20 State Prison
Use Minor as Agent Sale to Minor	Felony 6 mos.-5 yrs. State Prison	Felony 1st Off. 5-life State Prison 2nd Off. 10-life State Prison
Forged or Altered Prescription	1st Off. Misdemeanor \$100-\$500 fine 2nd Off. Felony 6Mos-1 yr Co. jail or 1-6 State Prison	Felony 1st Off. 1 yr. Co. jail or 1-6 State Prison 2nd Off. 2-20 State Prison
Fraud, Deceit, Misrepresentation Used in Obtaining Drugs Giving False Name	No existing law	Felony 1st Off. 1 yr. Co. jail or 1-6 State Prison 2nd Off. 2-20 State Prison
Unlawfully using or being under the influence of such drugs	No existing law	90 days to 1 yr in Co. jail 5 yrs probation

DEPARTMENT OF JUSTICE  
Office of the Attorney General  
STANLEY MOSK  
Library and Courts Building - Sacramento

MEMORANDUM TO THE PRESS

FOR RELEASE: 3:00 P.M., MONDAY, JANUARY 28, 1963

Attorney General Stanley Mosk's 17-point legislative program to control drug abuse will be submitted to the Legislature today by Senator Edwin J. Regan.

"The program we are requesting will, if enacted, meet the growing problem of stimulant and hypnotic pills and further strengthen present narcotic control measures," the Attorney General stated in a transmittal message to Senator Regan.

Contained in the legislative package are proposals for felony penalties for trafficking in stimulant and hypnotic pills, compulsory commitment of addicts for treatment, stricter prescription controls over the heavily-addicting drug dihydrohydroxycodone, placement of narcotic cough syrups on prescription, and broadened laws of search over vehicles involved in narcotic cases.

Also included is a proposed joint resolution calling on the Congress to enact legislation for the federal control of manufacture and distribution of the amphetamine and barbiturate drugs.

"Our proposals reflect, I believe, public sentiment and demand, and they carry the endorsement and support of the State Peace Officers Association, the District Attorneys Conference, and the Narcotics Officers Association," Attorney General Mosk noted. "Our program also reflects generally the thinking of the Governor's Special Study Commission on Narcotic Problems," Mosk pointed out.

Senator Regan, a former district attorney and longtime chairman of the Senate Judiciary Committee, was the author of major narcotic control legislation in the 1961 Session. He was a delegate to the White House Conference on Narcotics and Drug Abuse, where he served on the panel on legislation.

(more)

"We are asking that the Legislature distinguish the Amphetamine and Barbiturate drugs -- the stimulant and hypnotic pills -- from those of lesser damage potential by creating a new classification, to be known as Restricted Dangerous Drugs," the Attorney General said.

"Within this new classification, possession, trafficking, and forgery of prescriptions would carry felony penalties," Mosk said.

"We are also proposing that the refilling of prescriptions on an 'as needed basis' for drugs in this new classification be expressly forbidden," Mosk stated.

"To carry out the spirit of the United States Supreme Court decision in the Robinson case," Mosk said, "we are asking that narcotic addicts be required to submit themselves for treatment of their addiction disease. This is to the best interest of the addict and society."

Addicts who fail to turn themselves in for treatment would be guilty of a misdemeanor under the Attorney General's proposal.

"We are asking that dihydrohydroxycodone, commonly known as Percodan, be placed on triplicate prescription to provide safeguards against its continued abuse," the Attorney General stated. "Percodan is now the No. 1 medicinal 'drug of choice' among hard narcotic users, and addicts are increasingly abusing normal prescription procedures by forgery and ruse to obtain the drug. In the medical profession there is increasing alarm over the abuse of this drug which has the addiction potential of morphine," Mosk said.

"You will also note that we are asking that the narcotic rehabilitation program, which you helped create through legislation in 1961, be expanded to accommodate persons addicted to the amphetamine and barbiturate drugs. These persons basically have the same problems as narcotic addicts and are likely to respond better to treatment in a facility such as the California Rehabilitation Center at Corona than in the State mental hospitals where they are now being committed. In addition, inclusion in the narcotic control program will make it possible to impose longterm probation and surveillance over these persons."

(more)

Over-the-counter sale of codeine cough syrups would be banned under another provision of the program. "These preparations are responsible for sending numbers of persons to our State mental hospitals and should be placed on prescription," Mosk stated. Non-narcotic cough syrups with the same medicinal value are available, he noted. "We have found general agreement in the California retail drug industry that these codeine cough syrups are greatly abused by addicts," the Attorney General said.

The proposed bill governing the search of automobiles involved in narcotic arrest cases would add to the Health and Safety Code the following provision, to be known as Section 11690:

"In any proceeding commenced to enforce provisions of Division 10 of this code, any narcotics or physical evidence of a narcotics offense procured by a search of any vehicle under the dominion and control of a person under lawful arrest, and while such vehicle is outside the curtilage of any dwelling, shall be admissible in evidence."

*When*  
The Attorney General commented in his message to Senator Regan:

"I see no reason why instruments of trafficking in narcotics should be protected from lawful search by an extension of the treasured American concept that a man's home is his castle and therefore inviolate. I think it is time that we recognize the automobile in narcotics traffic for what it is, the wings of a bat."

The program over-all provides for:

1. Increased penalties for possession or sale of restricted dangerous drugs, and the forgery of prescriptions for such drugs.
2. Creation of the new offense of possession of restricted dangerous drugs for illegal sale and the addition of the offense of illegally transporting restricted dangerous drugs.
3. Addition of an offense to obtain a prescription for restricted dangerous drugs by fraud, deceit and misrepresentation.
4. Addition of an offense of giving a false name or false address in obtaining restricted dangerous drugs.
5. Addition of offense of unlawfully using or being under the influence of such drugs.
6. A resolution by the Legislature calling for Federal control on the production and distribution of dangerous drugs.

(more)

7. Modification of the prescription requirements for dangerous drugs so as to make prescriptions for restricted dangerous drugs non-refillable on an "as needed" basis.

8. Amendment of the section requiring proper labeling of dangerous drug containers to include such drugs dispensed by physicians from their office supplies.

9. Expansion of our narcotic addict rehabilitation program to include dangerous drug addicts.

10. A requirement for triplicate prescriptions procedures for dihydrohydroxycodone.

11. The addition of several drugs to the section excepting certain narcotic preparations from the official triplicate prescription and a requirement that all prescriptions of such preparations be reduced to writing prior to filling.

12. Removal of the present exemptions for certain codeine preparations, such as the codeine cough syrups, thus requiring prescriptions and eliminating over-the-counter sale.

13. Creation of a new section clarifying and specifying the procedures for the keeping of narcotic prescription records by pharmacists.

14. Adding conspiracy to the list of prior offenses which would increase punishment for subsequent narcotic violations.

15. Making the theft of narcotics a grand theft.

16. Compulsory commitment of narcotic addicts in rehabilitation facilities.

17. Broadening of search laws for automobiles.

PROPOSED LEGISLATION TO PROVIDE FOR ADDITIONAL OFFENSES AND INCREASED  
PENALTIES FOR POSSESSION, SALE, ETC. OF RESTRICTED DANGEROUS DRUGS

ATTORNEY GENERAL STANELY MOSK

OFFENSE	PRESENT LAW	PROPOSED LEGISLATION
Illegal Possession	Misdemeanor \$500 Fine and/or 6 mos. Co. jail	1st Off. Misdemeanor \$3,000 Fine and/or 1 yr. Co. jail  2nd Off. Felony 1 yr. Co. jail or 1-10 State Prison
Possession for illegal sale	No existing law	Felony 1st Off. Co. jail or 1-10 State Prison 2nd Off. 2-20 State Prison
Sell, Furnish, Administer, or Give Away	Misdemeanor \$500 fine and/or 6 mos. Co. jail	Felony
Transport, import or Offer to transport, import, sell, furnish, administer or give away	No existing law	1st Off. Co. jail or 1-10 State Prison 2nd Off. 2-20 State Prison
Use Minor as Agent Sale to Minor	Felony 6 mos.-5 yrs. State Prison	Felony 1st Off. 5-life State Prison 2nd Off. 10-life State Prison
Forged or Altered Prescription	1st Off. Misdemeanor \$100-\$500 fine 2nd Off. Felony 6 mos.-1 yr. Co. jail or 1-6 State Prison	Felony 1st Off. 1 yr. Co. jail or 1-6 State Prison 2nd Off. 2-20 State Prison
Fraud, Deceit, Misrepresentation Used in Obtaining Drugs Giving False Name	No existing law	Felony 1st Off. 1 yr. Co. jail or 1-6 State Prison 2nd Off. 2-20 State Prison
Unlawfully using or being under the influence of such drugs	No existing law	90 days to 1 yr. in Co. jail 5 yrs. probation

DEPARTMENT OF JUSTICE  
Office of the Attorney General  
STANLEY MOSK  
Library and Courts Building - Sacramento

MEMORANDUM TO THE PRESS

FOR RELEASE: P. M. PAPERS, THURSDAY, JANUARY 31, 1963

A 16-point legislative program to control dangerous drugs and narcotics will be introduced by Senator Edwin J. Regan today at the request of Governor Edmund G. Brown and Attorney General Stanley Mosk.

In his January 7th Inaugural Address, Governor Brown urged the legislature to "recognize that the peddler of dangerous drugs is a threat equal to the peddler of narcotics and to make the penalties for their sale comparable to the penalties for illegal sale of narcotics".

Contained in the legislative package are proposals for felony penalties for trafficking in stimulant and hypnotic pills, compulsory commitment of addicts for treatment, stricter prescription controls over the heavily-addicting drug dihydrohydroxycodone, and placement of narcotic cough syrups on prescription.

In a joint statement, Governor Brown, Attorney General Mosk and Senator Regan said:

"The program we are requesting will, if enacted, meet the growing problem of trafficking in stimulant and hypnotic pills and further strengthen present narcotic control measures.

"Our proposals reflect, we believe, public sentiment and demand, and they carry the endorsement and support of the State Peace Officers Association, the District Attorneys Conference, and the Narcotics Officers Association. The program also reflects generally the thinking of the Governor's Special Study Commission on Narcotics."

Included in the program sponsored by the Governor and the Attorney General is a proposed joint Senate-Assembly resolution calling on the Congress of the United States to enact legislation for federal control over manufacture and distribution of amphetamine and barbiturate drugs.

The bills were drafted by the Attorney General's Office in consultation with the Governor and Senator Regan. The Senator, longtime

(more)

chairman of the Judiciary Committee was the author of major narcotic control legislation in the 1961 session. He accompanied the Governor and the Attorney General to the White House Conference on Narcotics and Drug Abuse. His Senate Judiciary Committee held hearings October 29-30 in Los Angeles on legislative proposals in the drug field.

In reviewing and explaining the program, the Attorney General stated:

"We are asking that the Legislature distinguish the Amphetamine and Barbiturate drugs -- the stimulant and hypnotic pills -- from those of lesser damage potential by creating a new classification, to be known as Restricted Dangerous Drugs.

"Within this new classification, possession, trafficking, and forgery of prescriptions would carry felony penalties.

"We are also proposing that the refilling of prescriptions on an 'as needed basis' for drugs in this new classification be expressly forbidden.

"To carry out the spirit of the United States Supreme Court decision in the Robinson case, we are asking that narcotic addicts be required to submit themselves for treatment of their addiction disease. This is to the best interest of the addict and society.

"Addicts who fail to turn themselves in for treatment would be guilty of a misdemeanor under the proposal.

"We are asking that dihydrodrexycodine, commonly known as Percodan, be placed on triplicate prescription to provide safeguards against its continued abuse. Percodan is now the No. 1 medicinal 'drug of choice' among hard narcotic users, and addicts are increasingly abusing normal prescription procedures by forgery and ruse to obtain the drug. In the medical profession there is increasing alarm over the abuse of this drug which has the addiction potential of morphine.

"You will also note that we are asking that the narcotic rehabilitation program, which the Legislature authorized in 1961, be expanded to accomodate persons addicted to the amphetamine and barbiturate drugs.

(more)



These persons basically have the same problems as narcotic addicts and are likely to respond better to treatment in a facility such as the California Rehabilitation Center at Corona than in the State mental hospitals where they are now being committed. In addition, inclusion in the narcotic control program will make it possible to impose longterm probation and surveillance over these persons."

Over-the-counter sale of codeine cough syrups would be banned under another provision of the program. "These preparations are responsible for sending numbers of persons to our State mental hospitals and should be placed on prescription," Mosk stated. Non-narcotic cough syrups with the same medicinal value are available, he noted. "We have found general agreement in the California retail drug industry that these codeine cough syrups are greatly abused by addicts," the Attorney General said.

Senator Regan announced that the over-all program includes 16 bills that provide:

1. Increased penalties for possession or sale of restricted dangerous drugs, and the forgery of prescriptions for such drugs.
2. Creation of the new offense of possession of restricted dangerous drugs for illegal sale and the addition of the offense of illegally transporting restricted dangerous drugs.
3. Addition of an offense to obtain a prescription for restricted dangerous drugs by fraud, deceit and misrepresentation.
4. Addition of an offense of giving a false name or false address in obtaining restricted dangerous drugs.
5. Addition of offense of unlawfully using or being under the influence of such drugs.
6. A resolution by the Legislature calling for Federal control on the production and distribution of dangerous drugs.
7. Modification of the prescription requirements for dangerous drugs so as to make prescriptions for restricted dangerous drugs non-refillable on an "as needed" basis.
8. Amendment of the section requiring proper labeling of dangerous drug containers to include such drugs dispensed by physicians from their office supplies.
9. Expansion of our narcotic addict rehabilitation program to include dangerous drug addicts.
10. A requirement for triplicate prescriptions procedures for dihydrohydroxycodone.
11. The addition of several drugs to the section excepting certain narcotic preparations from the official triplicate prescription and a requirement that all prescriptions of such preparations be reduced to writing prior to filling.

(more)

12. Removal of the present exemptions for certain codeine preparations, such as the codeine cough syrups, thus requiring prescriptions and eliminating over-the-counter sale.

13. Creation of a new section clarifying and specifying the procedures for the keeping of narcotic prescription records by pharmacists.

14. Adding conspiracy to the list of prior offenses which would increase punishment for subsequent narcotic violations.

15. Making the theft of narcotics a grand theft.

16. Compulsory commitment of narcotic addicts in rehabilitation facilities.

PROPOSED LEGISLATION TO PROVIDE FOR ADDITIONAL OFFENSES AND INCREASED  
PENALTIES FOR POSSESSION, SALE, ETC. OF RESTRICTED DANGEROUS DRUGS

ATTORNEY GENERAL STANELY MOSK

OFFENSE	PRESENT LAW	PROPOSED LEGISLATION
Illegal Possession	Misdemeanor \$500 Fine and/or 6 mos. Co. jail	1st Off. Misdemeanor \$3,000 Fine and/or 1 yr. Co. jail  2nd Off. Felony 1 yr. Co. jail or 1-10 State Prison
Possession for illegal sale	No existing law	Felony 1st Off. Co. jail or 1-10 State Prison 2nd Off. 2-20 State Prison
Sell, Furnish, Administer, or Give Away	Misdemeanor \$500 fine and/or 6 mos. Co. jail	Felony  1st Off. Co. jail or 1-10 State Prison 2nd Off. 2-20 State Prison
Transport, import or Offer to transport, import, sell, furnish, administer or give away	No existing law	
Use Minor as Agent Sale to Minor	Felony 6 mos.-5 yrs. State Prison	Felony 1st Off. 5-life State Prison 2nd Off. 10-life State Prison
Forged or Altered Prescription	1st Off. Misdemeanor \$100-\$500 fine 2nd Off. Felony 6 mos.-1 yr. Co. jail or 1-6 State Prison	Felony 1st Off. 1 yr. Co. jail or 1-6 State Prison 2nd Off. 2-20 State Prison
Fraud, Deceit, Misrepresentation Used in Obtaining Drugs Giving False Name	No existing law	Felony 1st Off. 1 yr. Co. jail or 1-6 State Prison 2nd Off. 2-20 State Prison
Unlawfully using or being under the influence of such drugs	No existing law	90 days to 1 yr. in Co. jail 5 yrs. probation

January 30, 1963

Honorable Stanley Mosk  
Attorney General  
Department of Justice  
State Building  
San Francisco 2, California

Attention Mr. Edward P. O'Brien  
Deputy Attorney General

Dear Mr. O'Brien:

This will acknowledge your letter dated  
January 24, 1963, and enclosed materials on  
the 1963 legislative program of the Attorney  
General which was received in this office on  
January 28, 1963, at 2:03 p.m.

Sincerely

Arthur L. Alarcon  
Executive Secretary



OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

STATE BUILDING, SAN FRANCISCO 2

January 24, 1963

1963 JAN 28 PM 2 03

RECEIVED  
GOVERNOR'S OFFICE

Honorable Arthur L. Alarcon  
Executive Secretary  
State Capitol  
Sacramento 14, California

266589

Dear Art:

Enclosed you will find a copy of the Attorney General's 1963 narcotic legislation program. Attached to each of the bills is a memorandum explaining the purpose and necessity for the proposed bill.

There are a total of 16 bills and one resolution. Six of the proposals are directed at the problem of dangerous drugs and the remainder constitute amendments to the present narcotic law.

If you have any questions or suggestions regarding the enclosed bills, please contact me.

Yours very truly,

STANLEY MOSK  
Attorney General

EDWARD P. O'BRIEN  
Deputy Attorney General

EPO'B: cah  
Encl.

*Legis file*

Honorable Richard A. McGee  
Administrator  
Youth and Adult Corrections Agency

February 1, 1963

Dangerous Drugs  
and Narcotic Involve-  
ment of Youth Authority  
Wards

This will acknowledge receipt of your inter-  
departmental communication of January 16, 1963,  
and enclosures.

Please advise me the results of your meeting with  
Heman Stark concerning special treatment program  
for narcotic addicts under the age of eighteen years.

Arthur L. Alarcon  
Executive Secretary

ALA:jl

State of California

**Memorandum**

*Legis. file*  
Youth and Adult Corrections Agency

Date: January 16, 1963

To: Mr. Arthur L. Alarcon, Executive Secretary  
Governor's Office  
State Capitol  
Sacramento, California

File No.:

( Subject: Dangerous Drugs and  
( Narcotic Involvement  
( of Youth Authority  
( Wards

From: Richard A. McGee, Administrator  
Youth and Adult Corrections Agency

Supplementing my memorandum of January 10th (Revision of the law to permit persons under 18 years to be included in the Department of Corrections Narcotic Rehabilitation Program), attached are two tables supplied by the Youth Authority.

The first shows narcotics information for new admissions. Following the first column of figures downward, you will see that out of 3,062 admissions, 65 indicated the use of some opiate, 167 the use of marijuana, and 109 of other dangerous drugs. Of the 65 who had used opiates, it would appear that only 8 of the 17 younger admissions were regular users, and of those admitted from the criminal courts to the Deuel Vocational Institution at Tracy, there were 48 opiate users, of which 39 appeared to be regular users and only 7 were established to be addicts.

This supports the statement that has frequently been made -- that of the Youth Authority wards who are actually making regular use of drugs of any class, the percentage appears to be small. On the other hand, if as many as 11 per cent of the admissions have been making some kind of illegal use of drugs, it is a problem of sufficient magnitude to receive official attention.

On the question of the Department of the Youth Authority making use of the new Rehabilitation Center program, the second attachment signed by Keith Griffiths indicates that since the program started there have been 40 Youth Authority wards transferred to this program, and that four of these were under 18.

In any event, I will discuss the whole matter further with the Youth Authority.

*Dick*  
RICHARD A. MCGEE  
Administrator

Encl.

Narcotics Information for  
California Youth Authority First Admissions

Narcotic Type	Total		Boys						Girls					
			Total		Juv. Ct.		Crim. Ct.		Total		Juv. Ct.		Crim. Ct.	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total	3062	100.0	2509	100.0	1680	100.0	829	100.0	419	100.0	394	100.0	25	100.0
None	2721	88.9	2231	89.0	1554	92.5	677	81.7	356	84.9	338	85.8	18	72.0
Opiate	65	2.1	61	2.4	13	.8	48	5.8	4	1.0	4	1.0	-	-
Marijuana	167	5.5	136	5.4	57	3.4	79	9.5	31	7.4	26	6.6	5	20.0
Synthetic	109	3.5	81	3.2	56	3.3	25	3.0	28	6.7	26	6.6	2	8.0

\* \*  
Admissions to NRCC and SRCC

Opiates

Frequency  
of use

Total	17	100.0	13	100.0	13	100.0	-	4	100.0	4	100.0	-
Once	1	5.8	-	-	-	-	-	1	25.0	1	25.0	-
Occasional	8	47.1	6	46.2	6	46.2	-	2	50.0	2	50.0	-
Regular	8	47.1	7	53.8	7	53.8	-	1	25.0	1	25.0	-

\*  
Admissions to DVI - RGC

Total	48	100.0	48	100.0	-	48	100.0	-
Suspect	2	4.2	2	4.2	-	2	4.2	-
User	39	81.2	39	81.2	-	39	81.2	-
Addict	7	14.6	7	14.6	-	7	14.6	-

\* NRCC = Northern Reception Center-Clinic  
SRCC = Southern " " "

DVI-RGC = Deuel Vocational Institution Reception Guidance Center  
(Criminal Courts cases)



**Authority** - Executive Order 12812

... information on the individuals who have been selected to the ...

**Individuals Admitted to the SR Program**

to SR Program

Total

Number

Percent

17

4

2

100

14

11

8

100

EDMUND G. BROWN  
GOVERNORJAMES D. LOEBL  
DIRECTOR

## CALIFORNIA STATE BOARD OF PHARMACY

525 GOLDEN GATE AVE., ROOM 210

SAN FRANCISCO 2

## BOARD MEMBERS

JOHN A. FOLEY • HAROLD B. GARFIELD • A. G. HALL • LEON HAPPELL  
ROBERT M. MCCURDY • WILLIAM C. MOESER • LEONARD R. PARSONS • J. MARTIN WINTON  
FLOYD N. HEFFRON, EXECUTIVE SECRETARY

## BRANCH OFFICES

107 SO. BROADWAY, ROOM 7117  
LOS ANGELES1020 N STREET  
SACRAMENTO

February 7, 1953

The Honorable John D. Murphy, Jr.  
California Senate  
Sacramento, California

Dear Senator Murphy:

The Legislative Committee on Air Quality has reviewed and discussed the provisions included in SB-126, in which it is proposed to add Section 4224 to the Business &amp; Professions Code, relating to drug law.

While we are in complete agreement with the intent of this Section, it does seem that provision should also be made for the similar control of every other drug which may, from time to time, come to the attention of our Board; where deleterious side effect becomes apparent.

It is felt by our Committee that the suggested amendment to Section 4229, as per attached copy, and the addition of proposed 4225.1, to the California Drug Law would provide for more adequate control over prescribing of all drugs which the Board may find produce deleterious side effects.

Copies of Sections 4229 and proposed 4225.1 are a enclosed herewith for your consideration.

In the event that it is your desire not to include these suggestions in your bill, I would appreciate your letting me know as soon as possible so that we can proceed with the bill as desired.

Very respectfully yours

Leon HapPELL, Chairman  
Legislative Committee  
CALIFORNIA STATE BOARD OF PHARMACYLH  
JWH:mg  
10.

EDMUND G. BROWN  
GOVERNORJAMES D. LOEBL  
DIRECTOR

## CALIFORNIA STATE BOARD OF PHARMACY

525 GOLDEN GATE AVE., ROOM 210

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FLOYD N. HEFFRON, EXECUTIVE SECRETARY

## BRANCH OFFICES

107 So. Broadway, Room 7117  
LOS ANGELES1020 N STREET  
SACRAMENTO

February 7, 1963

The Honorable Edwin J. Regan  
 California Senate  
 State Capitol  
 Sacramento 14, California

My dear Senator Regan:

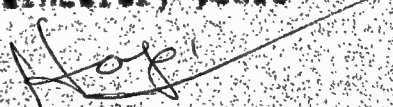
Our Legislative Committee has discussed SB 382, introduced by you at the request of the Governor and the Attorney General, and copies of this letter are being forwarded to the Governor and General Mosk.

While we feel that the proposed amendment to Section 4229 would be effective to some degree in preventing abuses of dangerous drugs, we do feel that it would also work a definite hardship on many people who must continue to take maintenance drugs over long and continued periods of time.

The Committee feels that the wording, as per attached copies for Section 4229 and 4229.1, would be much more effective in overcoming and controlling problems of misuse and abuse of dangerous drugs.

In the event that it is your decision not to include these suggestions in your bill, I would appreciate your letting me know as soon as possible so that we can proceed, if the Board so desires.

Very sincerely yours

  
 Leon Happell, Chairman  
 Legislative Committee  
 CALIFORNIA STATE BOARD OF PHARMACY

LH  
 rnh/rog  
 Enclosures

1963 FEB 11 AM 10 48

RECEIVED  
GOVERNOR'S OFFICE

4229. No prescription for any dangerous drug may be refilled ~~except when~~ without the personal authorization of the prescriber ~~which may be given orally or at the time of giving the original~~ prescription or the personal authorization of another practitioner with the same license classification acting with the consent of the prescriber. The personal authorization specified herein may be given in the original prescription or separately thereafter in the same manner as an original prescription; provided that with the express consent of the prescriber on each occasion when a prescription is to be refilled, authorization may be obtained by a pharmacist from a nurse employed by the prescriber.

Prescriptions which are refillable and which the prescriber has authorized to be refilled as needed, may be refilled by the phar- macist only in keeping with the prescribers instructions, the quantity of doses prescribed and the directions for use.

C  
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TO ADD:

4229.1

The Board may by regulation adopted in accordance with provisions of the Administrative Procedure Act designate dangerous drugs, prescriptions for which are not refillable, and shall notify all pharmacists in writing of the names of drugs so restricted and the reasons for such restriction.

C  
O  
P  
Y

ACB 10/7

STATEMENT OF  
DR. NATHAN B. EDDY, EXECUTIVE SECRETARY  
NATIONAL RESEARCH COUNCIL COMMITTEE ON DRUG ADDICTION AND NARCOTICS  
CHAIRMAN, 1961. EXPERT COMMITTEE ON  
ADDICTION PRODUCING DRUGS, WORLD HEALTH ORGANIZATION  
CONSULTANT ON NARCOTICS TO THE NATIONAL  
INSTITUTES OF HEALTH AND THE WORLD HEALTH ORGANIZATION

One reason for this conference, the reason I am here at least, is to try to clarify the understanding of the risks involved in and the need for or degree of control to be applied to codeine preparations and those of substances very frequently confused with and referred to as codeine preparations.

Let me say first that one of the primary objectives of the National Research Council Committee on Drug Addiction is to help assure that drugs

with clinical usefulness to the physically distressed are subjected to narcotics control only to the extent of risk to public health and for evidence of abusive use.

Codeine is one of the most frequently prescribed of all drugs, alone or in combination. It is used for a wide variety of conditions-- moderate to severe pain, colds and grippe, cough, colic, diarrhea, arthritis and a host of other conditions. It is a useful analgesic, antitussive and sedative. In this combination of properties with its relative safety, codeine is a uniquely dependable and versatile drug.

A drug of such value should not be unnecessarily restricted or made unduly costly to the public.

There are many preparations of codeine, many others which contain dihydrocodeinone and some which contain dihydrohydroxycodeinone. These differ in their effectiveness, in their attractiveness to individuals who may be liable to drug abuse and in the risk to public health which attend their legitimate use. Yet, because of some similarity of names, there is a strong tendency, even among persons who do or should know better, to refer to all of these as codeine preparations. Let me illustrate:

A newspaper account of abuse of cough preparations appeared under the headline, "Codeine Cough Syrup for Kicks Reported". The article described the use by 30 teenagers of cough medicines for kicks. The most popular preparation, it was said, was one containing one-sixth grain of codeine to the ounce. Codeine preparations regularly contain one grain to

the ounce. Dihydrocodeinone preparations contain the one-sixth grain to the ounce and other evidence clearly indicates that dihydrocodeinone, not codeine, was meant.

Another newspaper article reported that the owner of a pharmacy admitted selling cases of "codeine-containing" cough syrup at a confectionery store, each case containing 36 bottles of the cough remedy. The brand of cough medicine named in the article was a dihydrocodeinone, not a codeine, preparation.

What I should like to do is outline briefly the relative properties of these drugs and their relation one to another in respect to safety, abuse, etc.

#### Codeine and Codeine Preparations

Codeine is a morphine-like substance in that it will produce most of the effects of morphine if given in sufficient dose. Its pain-relieving power is much less, its sedative action is less, and it is practically devoid of the euphoric effect which addicts like. It will substitute for morphine in an addicted individual by holding in abeyance abstinence phenomena which would otherwise occur. The addicted individual or a former addict, however, has a very low preference for the drug. A dramatic experiment on this point was carried out at the Addiction Research Center at Lexington, Kentucky. Seven subjects, drug-free former addicts, were each given in random sequence 120 mg of codeine or 30 mg of morphine intravenously. They were asked then to rank the



drugs in order of their preference; two other drugs were used in the comparison, but we do not need to concern ourselves with these at this time. Codeine was the second choice of two subjects, the third choice of two, and the fourth choice of three. Morphine was the first choice of five, the third choice of one and the fourth choice of one because of the occurrence of persistent vomiting. The subjects were then given the opportunity to take each of the drugs repeatedly through a seven-day period or to refuse to take them. All elected to take morphine and all but one, the one who vomited, completed the seven days of treatment. Three refused the codeine and another refused to take the drug after the third day. This was a double-blind experiment, that is, neither the subjects nor the attending physician knew the identity of the drugs under test. They were coded to insure objectivity.

There are some codeine addicts--a few of them--and codeine preparations are abused to a limited extent. Dr. Isbell, Director of the Addiction Research Center, says that those who abuse codeine preparations are of two sorts: "Down-and-outers", addicted to morphine or heroin, who take the codeine preparations as a last resort because they can't find the wherewithal to get anything else; and a few "primary cough syrup addicts", perhaps not truly addicts because it is not clear whether it is the codeine or the alcohol that they are after. Codeine cough preparations may contain as much as 42 percent alcohol.

#### Dihydrocodeinone and its Preparations

Dihydrocodeinone\* is more potent than codeine as an antitussive and as an analgesic, but less potent than morphine for the latter effect. A review for the World Health Organization found that reports of addiction to it have been much more frequent than reports of addiction to codeine. At Lexington, dihydrocodeinone was equally effective, milligram for milligram, with morphine in producing subjective effects in post-addicts, was nearly as effective as morphine as a substitute for the latter in addicted individuals and produced somewhat less severe physical dependence in direct addiction experiments. It was formerly available under Federal Narcotic laws as an exempt preparation, containing one-sixth grain of dihydrocodeinone to the ounce; but outbreaks of excessive use, and abuse, of these exempt preparations caused the Bureau of Narcotics to revoke this exempt status effective January 1, 1961, and various producers took the dihydrocodeinone out of their cough preparations.

#### Dihydrohydroxycodeinone and its Preparations

Dihydrohydroxycodeinone (oxycodone) is a better analgesic than dihydrocodeinone, practically equivalent in pure form to morphine in the production of various morphine-like effects, including euphoria and physical dependence. There are preparations on the market which contain dihydrohydroxycodeinone formulated with other ingredients.

\* (hydrocodone)

These preparations are effective against moderate pain when taken orally, but reports have circulated of excessive use of such preparations. I do not have specific statistics. There is no reason to believe that the other ingredients, though so intended, are a sure preventive of excessive use.

Expert Conclusions

The Ad Hoc Panel which prepared a report for the White House Conference, endeavored to point out the differences, outlined above, in the three preparations, and at its last meeting, 17 February, this year, the Committee on Drug Addiction and Narcotics of the National Research Council agreed with these views. Both the Ad Hoc Panel and the NRC Committee concluded, "We can find no evidence to warrant change in the present status of codeine, hydrocodone, oxycodone and their preparations in relation to narcotic control provisions towards more severity for codeine or less severity for the others."

Anslinger

Fed Bureau has not  
acted for with. protection  
because no abuse

No abuse of Persader  
except in Calif.

FRANK G. NOLAN, M. D.  
8006 SUNSET BOULEVARD  
HOLLYWOOD 46, CALIFORNIA

OLDFIELD 6-3610

February 12, 1963

Honorable Edmund G. Brown  
Governor, State of California  
Governor's Mansion  
Sacramento, California

276006

Dear Pat:

May I again commend you on your bold and practical approach to the dangerous drug situation in California.

I have felt for many years that a more strict control should be had on the sale of dangerous drugs such as Amphetamine, barbiturates, tranquilizers, and Percodan. All these drugs may be authorized by the doctor over the telephone, a deplorable situation which leaves temptation open to many pharmacists who could fill the prescriptions without contacting the doctor.

Percodan is one of the most insidious drugs we have. It is a narcotic and as habit forming as morphine. This particular drug should be on triplicate. I feel that we can stamp out a lot of this illicit drug traffic from the pharmacy level here in California by putting all dangerous drugs on triplicate. Of course this would create more work for the doctor and the pharmacists, but when the health and welfare of the people are at stake, this work involved is infinitesimal small.

I admire your approach and feel certain that you will be successful in all phases of your program.

Wishing you continued good luck and cooperation.

Very sincerely,

  
Frank G. Nolan

GOVERNOR'S OFFICE

INTEROFFICE MEMORANDUM

SACRAMENTO

TO FILES  
FROM ARTHUR ALARCON

DATE February 26, 1963

SUBJECT Assemblyman Willson  
re: dangerous drugs

Discuss with Senator Regan giving George Willson a chance to co-author at least one of the dangerous drugs measures since Wilson has spent a lot of time and energy working on this problem with the Los Angeles Police Department.

Willson has agreed to withdraw his request for a hearing on his bills for Monday, March 4 upon my promise to try to assist him in getting credit.

I also advised him that it would be best to wait until the pharmaceutical association presented its position on March 7.

ALA:jt

cc: Paul Ward

February 13, 1963

Honorable Stanley Steingut  
Assemblyman, State of New York  
11 East 44th Street  
New York 17, New York

Dear Assemblyman Steingut:

Pursuant to your request to be placed on  
our mailing list of proposed legislation  
on dangerous drugs, we are enclosing here-  
with copies of the bills.

Sincerely

Arthur L. Alston  
Executive Secretary

cc:  
Enclosures

*Long Drug*

# ROUTE SLIP

TO

Arthur Alarcon

FROM

J. Am.

DATE

2-28-63

file  
Narcotics  
Newspaper drug  
our office

③ Δ SPO



MEMORANDUM

To: Honorable Edward G. Brown  
Governor of the State of California  
State Capitol  
Sacramento, California

Date: \_\_\_\_\_

File No.: \_\_\_\_\_

Subject: \_\_\_\_\_

From: Richard A. Moore, Administrator

A bill, S 742, has been introduced by Senator Vastbrough and cosponsored by Senators Kefauver, La Follette, Ribicoff to prescribe criminal penalties for bringing certain dangerous drugs into the United States for illegal sale or use.

Senator Dodd in introducing the bill stated that he is in full agreement with your statement that the problem is such that the Federal Government should "make struggling of dangerous drugs illegal."

RICHARD A. MOORE  
Administrator  
YOUTH AND ADULT CORRECTIONS

Mr. Arlo E. Smith  
Chief Assistant Attorney General  
Division of Criminal Law & Enforcement  
Department of Justice  
San Francisco, California

March 19, 1963

RECOMMENDATIONS BY  
CALIFORNIA PHARMACEUTICAL  
ASSOCIATION REGARDING SB 386.

Arthur Alarcon, Governor's Office

I would like to discuss the compromise offer by the  
California Pharmaceutical Association as soon as  
possible with you and Senator Regan.

If my present predicament prevents me from coming to  
the State Capitol, perhaps you and Senator Regan could  
confer with me by telephone.

Arthur L. Alarcon  
Executive Secretary

ALA:jm

*Deputy - Regan -  
Chas. Regan*

March 13, 1963

Mr. Cecil A. Stewart  
Executive Vice President  
California Pharmaceutical Association  
234 Loma Drive  
Los Angeles 26, California

Dear Mr. Stewart:

This will acknowledge receipt of your letter of March 11, 1963, in which you set forth recommendations regarding SB 386.

I want you to know that I deeply appreciate your generous hospitality at the conference at the Sutter Club on March 7. I will submit the recommendations of the California Pharmaceutical Association and the Pharmaceutical Institute to the Governor for his consideration.

I know the Governor will be deeply appreciative of your attempts to bring about increased controls in this area for the protection of the public. I will advise you as soon as the Governor reaches his decision in this matter.

Sincerely

Arthur L. Alarcon  
Executive Secretary

CC: Senator Regan  
Assemblyman George Willson

Paul Ward



# California Pharmaceutical Association

234 LOMA DRIVE • HUBBARD 3-6333 • LOS ANGELES 26

March 11, 1963

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1962-1963

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Mr. Arthur L. Alarcon, Executive Secretary to  
Governor Edmund G. Brown  
State Capitol  
Sacramento, California

Dear Mr. Alarcon:

It is with a deep sense of gratitude that I express to you, on behalf of the California Pharmaceutical Association and The Pharmaceutical Institute, our appreciation for your attendance and participation at the conference held the evening of March 7 at the Sutter Club in Sacramento.

Senate Bill 386, which pertains to the Exempt Narcotic Section 11200 of the Health and Safety Code, was discussed during the conference, and we were requested to submit in writing the following recommendations made at the meeting for further consideration:

(1) Require pharmacist to limit sale to maximum of four (4) ounces to any person.

(2) Purchaser to be limited to a maximum quantity of four (4) ounces within a forty-eight hour (48) period:

(a) Manufacturer to be required to so label the exempt narcotic preparation: "Any person who purchases in excess of four (4) ounces within a forty-eight (48) hour period is guilty of a misdemeanor."

(3) Present wording of law requires name, address, etc., of purchaser to be recorded by the pharmacist in exempt narcotic register, but purchaser's signature is not required. To assist in the enforcement of the law as it pertains to sales of exempt narcotic preparation, it was suggested that "purchaser's signature, time of purchase" be recorded in the exempt narcotic register in addition to information presently required.

We respectfully request that consideration be given to these recommendations in lieu of repealing Section 11200 as set forth in Senate Bill 386.

275773

1963 MAR 14  
RECEIVED  
GOVERNOR'S OFFICE

Mr. Arthur L. Alarcon  
March 11, 1963  
Page 2

The California Pharmaceutical Association will soon publish an article in its publication, "California Pharmacy," to assist the pharmacists of this State in their endeavor to assure the use of these preparations for legitimate medicinal purposes. It is believed that these efforts and the recommendations contained herein will prevent any widespread abuse of such preparations in the future.

Sincerely yours,



Cecil A. Stewart  
Executive Vice President

CAS:ek

cc: Mr. Arlo E. Smith  
Chief Assistant Attorney General  
Criminal Division  
Office of the Attorney General  
Sacramento, California

Mr. John E. Storer, Chief  
State Bureau of Narcotic Enforcement  
P. O. Box 2630  
Sacramento 12, California

# Memorandum

To : Arthur L. Alarcon

Date : March 25, 1963

*Ala*  
CONFIDENTIAL

Subject: Conference with  
Governor Brown and  
Richard McGee

From : John S. McInerny

On Friday, March 22, I participated in a conference with Governor Brown and Richard McGee. The following general subjects were discussed.

1. Mr. McGee raised the problem of what to do with dangerous drug addicts if present legislation for a rehabilitation center for them is passed. McGee expressed the opinion they should not be put in Corona with the narcotic addicts. The Governor later brought Dr. Blain into the discussion and it was agreed they should probably be placed under Mental Hygiene and spread throughout the hospitals.
2. Also discussed was the problems raised by the De La O decision and using the Adult Authority as the releasing agency. A number of possible solutions were discussed, and it was thought that a release procedure similar to that used for sexual psychopaths would be more desirable. The Governor will discuss this with Senator Regan.
3. Also discussed was the forthcoming meeting with the Adult Authority on April 13, and I pointed out to the Governor he was supposed to be in Palm Springs that day. The meeting will be postponed and I am to see Mesple regarding this. The purpose for the meeting was discussed with McGee, and no specifics were developed. (I will discuss this with you personally).

*JSM*  
John S. McInerny  
Clemency Secretary

JSM:cs  
cc: Frank Mesple

*Narcotics Legis*

SEARCH INCIDENT TO ARREST

Proposed Section 11690 Health & Safety Code:

In any proceeding commenced to enforce provisions of Division 10 of this code, any narcotics or physical evidence of a narcotic offense procured by a search of any vehicle under the dominion and control of a person under lawful arrest, and while such vehicle is outside the curtilage of any dwelling, shall be admissible in evidence.

PROBLEM

As proposed, this bill permits the search of a vehicle outside the curtilage. Impliedly it, therefore, prohibits search of a vehicle within the curtilage. In the case where the defendant is arrested on his front porch or in his house, decisions permit a search incident to the arrest, of the dwelling, garage, auto in the garage, etc.

This proposal as now drawn would prohibit what is now permitted, being a legislative enactment overriding existing case law.

This proposed bill is thus more restrictive than present case law.

ALTERNATIVE

Strike the words "under lawful arrest" in line 4 of the proposed bill above and insert "lawfully arrested outside the curtilage of any dwelling."

Search Incident to Arrest, p.2

~~As~~ another alternative would be:

Leave the proposed bill as is but add the following sentence:

Nothing in this provision shall be deemed to prohibit a reasonable search of any vehicle within the curtilage of any dwelling where such search is incident to a lawful arrest of a person within the curtilage of such dwelling.



STATE OF CALIFORNIA

District Court of Appeal

SECOND DISTRICT—DIVISION FOUR

STATE BUILDING, LOS ANGELES

LOUIS H. BURKE  
PRESIDING JUSTICE

EDWIN L. JEFFERSON  
JUSTICE

ROBERT KINGSLEY  
JUSTICE

April 1, 1963

1963 APR 3 AM 8 17

Mr. Richard A. McGee  
Department of Corrections  
Office Building No. 1  
Sacramento, California

Dear Dick:

C  
O  
P  
Y

Enclosed is a proposed draft of a measure to amend the laws pertaining to the operation of the narcotic hospital program. As written, it is designed to accomplish the two main purposes of establishing a new parole agency in order to relieve both the Adult Authority and the Board of Trustees of the Institution for Women from responsibilities with respect to the parole of persons committed to the Rehabilitation Center under the narcotic program, and to create an Advisory Board to assist in the study and development of the program.

Note, particularly, the last lines in the measure which state clearly that the functions of the latter board are advisory only and are not intended to include any administrative duties.

I discussed this proposal with Judge Macnell and had a copy of it read to him over the telephone. Following our general agreement as to the best way to handle the situation and am authorized to state that he is in agreement with it.

Bear in mind that I have written it with the view of getting something into the Copper right away, and it is of course subject to study and such changes as may be indicated.

Very good wish.

Sincerely,

Louis H. Burke  
Presiding Justice

LHB:cmh

Enclosure

cc: Governor Edmund G. Brown  
Judge William A. Macnell  
Mr. Arthur L. Alameon

An Act to amend Sections 6403 and 6404 and to add Sections 6402.1, 6402.2, 6402.3, 6402.4, 6405.1, 6405.2 and 6405.3 to the Penal Code relating to narcotics.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 6402.1 is added to the Penal Code to read:

6402.1. The Parole Board of the California Rehabilitation Center shall be composed of three members, each of whom shall be appointed by the Governor, having a term of three years and until the appointment and qualification of his successor. Members shall be eligible for reappointment.

The Chairman of the Parole Board shall be designated by the Governor from time to time. The terms of the members shall expire as follows: one on March 15, 1964, one on March 15, 1965, and one on March 15, 1966. Their successors shall hold office for terms of three years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term.

Persons appointed to the Parole Board shall have a broad background in law, sociology, law enforcement, medicine or education and shall have a deep interest in the rehabilitation of narcotic addicts.

SEC. 2. Section 6402.2 is added to said code to read:

6402.2. Each member of the Parole Board shall devote such time to the duties of his office as required and shall be paid a per diem of \$50 for each day's attendance at a meeting of the Board. In

addition, each member shall be allowed actual expenses incurred in the discharge of his duties including travel expenses. The total compensation from <sup>per member</sup> per diems shall not exceed \$500 in any calendar month.

SEC. 3. Section 6402.3 is added to said code to read:

6402.3. The Parole Board shall meet at the California Rehabilitation Center at such times as may be necessary for a full and complete study of the cases of all patients who are certified by the Director of Corrections to such Board as having recovered from addiction or imminent danger of addiction to such an extent as to be worthy of an opportunity on parole. Other times and places of meetings may also be fixed by the Parole Board. Two members of the Parole Board shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by two members of the Board.

SEC. 4. Section 6402.4 is added to said code to read:

6402.4. "Parole" means leave of absence from the California Rehabilitation Center. While on parole a patient occupies the status of an outpatient of the Center.

SEC. 5. Section 6403 of said code is amended to read:

6403. After an initial confinement of six months and subject to rules and policies established by the Director of Corrections, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that in the opinion of the Director of

Corrections such person is worthy of an opportunity on parole, the director shall certify such fact to the Adult-Authority Parole Board. Upon such certification, the Adult Authority Parole Board may release such person upon parole subject to all the parole rules and regulations adopted by the Parole Board, and subject to being retaken and reconfined as prescribed in such rules in the same manner as other parolees are retaken. ~~Wherever the words "Adult-Authority" are used in this chapter it shall be deemed to refer to the Board of Trustees of the California Institution for Women with respect to females.~~ Supervision of parolees shall be administered by the division of paroles of the Department of Corrections. Except as may be provided in the conditions of parole, parolees are not subject to the provisions of Penal Code Section 2600.

SEC. 6. Section 6404 of said code is amended to read:

6404. The parole rules shall include, but not be limited to close supervision of the parolee after release from the facility, periodic and surprise testing for narcotic use, counseling and return to inpatient status at the narcotic detention and treatment facility at the discretion of the Adult-Authority Parole Board if from the reports of the parole officer, or other evidence as to the conduct of the parolee, the Adult Authority Parole Board concludes that it is for the best interests of the parolee and society that this be done. The Director of Corrections is authorized to establish a halfway house in a large metropolitan area as a pilot project in order to determine the effectiveness of such control upon the addict's rehabilitation, particularly upon his release from the narcotic detention and treatment facility. Rules and regulations governing the operation of such halfway house shall be established by the Director of Corrections and shall provide for control of the earnings of parolees during their residence in such halfway house,

from which shall be deducted such charges for maintenance as the Director of Corrections may prescribe.

SEC. 7. Section 6405.1 is added to said code to read:

6405.1. The Advisory Board for the California Rehabilitation Center shall be composed of seven members, each of whom shall be appointed by the Governor for a term of three years and until the appointment and qualification of his successor. Members shall be eligible for reappointment.

The Chairman of the Advisory Board shall be designated by the Governor from time to time. The terms of the members of the Advisory Board shall expire as follows: two on March 15, 1964, two on March 15, 1965, and three on March 15, 1966. Their successors shall hold office for terms of three years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term.

Persons appointed to the Advisory Board shall have a broad background in law, sociology, law enforcement, medicine or education and shall have a deep interest in the rehabilitation of narcotic addicts.

SEC. 8. Section 6405.2 is added to said code to read:

6405.2. Each member of the Advisory Board shall devote such time to the duties of his office as required. The members of the Board shall not receive compensation from the State for their services but, when called to attend a meeting of the Board, shall be reimbursed for their actual and necessary expenses incurred in connection with such meeting, or in lieu of such expense shall receive mileage and \$15 each day of actual service.

The Board shall hold meetings at such times and places as the Chairman may direct or upon a written request of any three members of the Board.

SEC. 9. Section 6405.3 is added to said code to read:

6405.3. The Board shall:

1. Advise the Governor, the Director of Corrections and the Parole Board of the California Rehabilitation Center with respect to the receiving, confinement, employment, education, treatment, parole, outpatient care and supervision, and rehabilitation of persons who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of being addicted.

2. Study the operation of the California Rehabilitation Center, all research programs in connection therewith, and assist in the planning, evaluating and interpreting of the detention and treatment program. The Board shall not exercise any administrative functions or responsibilities in connection with the operation of the California Rehabilitation Center, its functions and duties being limited to acting in an advisory capacity.



FILES

April 25, 1963

**DANGEROUS DRUGS BILLS**

**ARTHUR ALARCON**

(CC: Paul Ward; Jack McDonald)

The following dangerous drugs bills have been passed by the Senate and sent on to the Assembly:

382, 383, 385, 387, 388, 389, 390, 391, 393, 394.

Sent to Interim Committee are following:

381, 384, 392.

SB 385 has been tabled. SB. 395 (the new penalty law) has been sent to Senate Finance Committee.

ALA:jm

*D.D. Bills*

## SUMMARY STATEMENT

### CONCERNING SENATE BILL 1442

#### Need for the Amendments

The original law (S.B. 81, 1961 session) was passed and became law before the Robinson decision of the United States Supreme Court (Lawrence Robinson v. California, decided June 25, 1962), which declared California Health and Safety Code Section 11721 to be unconstitutional on the grounds that it prescribed punishment for having the status of being a drug addict.

The De La O decision (In re David De La O, Crim. No. 7208 February 14, 1963), upheld the California Narcotic Addict Rehabilitation law on the fundamental theory that it provides a civil commitment for purposes of rehabilitation and treatment and not for punitive purposes. On the other hand, the California Supreme Court included in support of the above decision many admonitions referring to the "indicia of criminality" in this law. Therefore, the purpose of these amendments is to remove from the law these indicia of criminality.

#### What the Bill does.

The above purpose is accomplished by the following changes in the law:

1. It includes a statement of legislative intent, making clear what the purposes of the act are (Section 6399).
2. It attempts throughout the statute to remove terminology characteristic of penal practices. Such words as "segregation," "parole," "sentences," and cross-references to Penal Code penalty and procedural sections, etc., are eliminated.
3. It establishes a Narcotics Rehabilitation Advisory Council (Section 6403). This is a non-paid advisory council of nine members, the membership of which should make it quite clear that this is a treatment and rehabilitation program and not a punitive one. Additional purposes of the Council are, of course, to render advice to the administrative authorities involved and to serve as a citizen group to act as a watchdog to make quite certain that the program does not retrogress into a penal program and to interpret the program to the Governor, the Legislature and the public.



4. It removes the difference between the maximum time for treatment and rehabilitation for those who came into the program originally as misdemeanants and those who came in as felons. It is difficult to argue that it takes ten years to cure and rehabilitate a person convicted of second degree burglary and only five years to cure a narcotic addict who was convicted of petty theft. Therefore, in Sections 6450 and 6451 the phrases "for a period of five years" and "for a period of ten years" are stricken and in place is substituted the words "until such time as he is discharged pursuant to Section 5 of this chapter."

5. Section 6451 provides the possibility of a jury trial for felons as well as for misdemeanants. A jury trial was not provided originally for those convicted of felonies on the grounds that the jury trial was available on the issue of the felony itself. However, in view of the intervening Robinson decision, and in view of the clear intent that this is a civil commitment, legal advisers have suggested the wisdom of including this item.

6. Article 4 provides for release to outpatient status. Here there is established a new board in place of the parole boards which now have the function. This board is referred to as the "Narcotic Addict Evaluation Authority." It is composed of three members to be paid on a part time basis out of funds appropriated for the support of the California Rehabilitation Center. You will note that this Board is paid \$50 per day per member and is limited to not more than 120 days for each member in any calendar year. This is substantially the same arrangement as exists for the part time parole board for women (Board of Trustees, California Institution for Women) at the present time. On the basis of the present load, it is estimated that this board could do its work in four or five days a month, but it is probable that at least ten days per month will be necessary by the end of the next two years.

One of the most widely criticized "indicia of criminality" in the present law related to the fact that the quasi-decision making bodies which control the release of these civil commitments are the same boards that deal with the assessment of criminality and the fixing of prison terms and the granting and revoking of paroles of convicted and sentenced felons. There is no implied criticism of the actions of the Adult Authority or the Board of Trustees in this proposed change, nor is there any suggestion that the members of these boards are not qualified to make these judgments. The issue

Summary Statement Re S. B. 1442

is one of removing insofar as possible the appraisal of treatment progress from the official penal apparatus set up by law for dealing with sentenced felons.

7. Section 6516 provides a safeguard to prevent the Director of Corrections and the Superintendent of the institution from withholding certification to the board longer than twelve months without a hearing by the board.

8. Section 6516, near the end, also provides that persons committed to this program are not ordinarily subject to the provision of Penal Code Section 2600, which relates to the forfeiture of civil rights of felons.

9. Section 6518 is amended to permit the Director of Corrections to establish "one or more" halfway houses as pilot projects instead of only one. This is included especially because of the need for having a separate halfway house for men and one for women, and perhaps an additional one for men in a different geographical area.

10. Section 6521 provides in effect that if either the misdemeanor or the felon has not successfully completed three "clean" years in outpatient status within a total of seven years, the person is to be returned to court, either - (a) to be discharged, (b) for the imposition of the suspended sentence, or (c) for an extension of time in the program of not to exceed three additional years.

11. Section 6550 makes it clear that the Director of Corrections may not only establish the California Rehabilitation Center, but that he may establish the branches referred to in existing institutions of the Department of Corrections or in halfway houses. Also, on order of the Administrator of the Youth and Adult Corrections Agency, branches may be established in institutions of the Department of the Youth Authority. The provision for the establishment of branches in Youth Authority institutions is especially pertinent because of the need for inclusion in this program of a relatively small number of persons under 18 years of age. Such persons can now be transferred by the Youth Authority to the California Rehabilitation Center, but they are a disrupting influence in the adult program and it is probable that the association with adult addicts may be damaging to them. Therefore, it is believed that a special program for these youths should be provided in a youth institution.

-----

State of California

Youth and Adult Corrections Agency

**Memorandum**

To: Honorable Edwin J. Regan  
State Senator  
State Capitol  
Sacramento, California

Date: April 22, 1963

File No.:

Subject: Proposed Amendments  
to the Narcotic Addict  
Rehabilitation Laws

From: Richard A. McGee, Administrator  
Youth and Adult Corrections Agency

Need for the Amendments

The original law (S.B. 81, 1961 session) was passed and became law before the Robinson decision of the United States Supreme Court (Lawrence Robinson v. California, decided June 25, 1962), which declared California Health and Safety Code Section 11721 to be unconstitutional on the grounds that it prescribed punishment for having the status of being a drug addict.

The De La O decision (In re David De La O, Crim. No. 7208, February 14, 1963), upheld the California Narcotic Addict Rehabilitation law on the fundamental theory that it provides a civil commitment for purposes of rehabilitation and treatment and not for punitive purposes. On the other hand, the California Supreme Court included in support of the above decision many admonitions referring to the "indicia of criminality" in this law. Therefore, the purpose of these amendments is to remove from the law these indicia of criminality.

What the Bill does.

The above purpose is accomplished by the following changes in the law:

1. It includes a statement of legislative intent, making clear what the purposes of the act are (Section 6399 of draft).
2. It attempts throughout the statute to remove terminology characteristic of penal practices. Such words as "segregation," "parole," "sentences," and cross-references to Penal Code penalty and procedural sections, etc., are eliminated.
3. It establishes a Narcotics Rehabilitation Advisory Council (Section 6403 of draft). This is a non-paid advisory council of nine members, the membership of which

4/22/63

should make it quite clear that this is a treatment and rehabilitation program and not a punitive one. Additional purposes of the Council are, of course, to render advice to the administrative authorities involved and to serve as a citizen group to act as a watchdog to make quite certain that the program does not retrogress into a penal program and to interpret the program to the Governor, the Legislature and the public.

4. It removes the difference between the maximum time for treatment and rehabilitation for those who came into the program originally as misdemeanants and those who came in as felons. It is difficult to argue that it takes ten years to cure and rehabilitate a person convicted of second degree burglary and only five years to cure a narcotic addict who was convicted of petty theft. Therefore, in Sections 6450 and 6451 of the draft the phrases "for a period of five years" and "for a period of ten years" are stricken and in place is substituted the words "until such time as he is discharged pursuant to Section 5 of this chapter."

5. In Section 6451 an oversight in the statute is corrected providing for a jury trial for felons as well as misdemeanants.

6. Article 4 provides for release to out-patient status. Here there is established a new board in place of the parole boards which now have the function. This board is referred to as the "Narcotic Addict Evaluation Authority." It is composed of three members to be paid on a part time basis out of funds appropriated for the support of the California Rehabilitation Center. You will note that this Board is paid \$50 per day per member and is limited to not more than 120 days for each member in any calendar year. This is substantially the same arrangement as exists for the part time parole board for women (Board of Trustees, California Institution for Women) at the present time. On the basis of the present load, it is estimated that this board could do its work in four or five days a month, but it is probable that at least ten days per month will be necessary by the end of the next two years.

7. Section 6516 provides a safeguard to prevent the Director of Corrections and the Superintendent of the institution from withholding certification to the board longer than twelve months without a hearing by the board.

4/22/63

8. Section 6516, near the end, also provides that persons committed to this program are not ordinarily subject to the provision of Penal Code Section 2600, which relates to the forfeiture of civil rights of felons.

9. Section 6518 is amended to permit the Director of Corrections to establish "one or more" halfway houses as pilot projects instead of only one. This is included especially because of the need for having a separate halfway house for men and one for women, and perhaps an additional one for men in a different geographical area.

10. Section 6521 provides in effect that if either the misdemeanor or the felon has not successfully completed three "clean" years in out-patient status within a total of seven years, the person is to be returned to court, either -- (a) to be discharged, (b) for the imposition of the suspended sentence, or (c) for an extension of time in the program of not to exceed three additional years.

11. Section 6550 makes it clear that the Director of Corrections may not only establish the California Rehabilitation Center, but that he may establish the branches referred to in existing institutions of the Department of Corrections or in institutions of the Department of the Youth Authority and/or in halfway houses. The provision for the establishment of branches in Youth Authority institutions is especially pertinent because of the need for inclusion in this program of a relatively small number of persons under 18 years of age. Such persons can now be transferred by the Youth Authority to the California Rehabilitation Center, but they are a disrupting influence in the adult program and it is probable that the association with adult addicts may be damaging to them. Therefore, it is believed that a special program for these youths should be provided in a youth institution. (The last four lines of Section 6550, beginning with "residential treatment" should be stricken.)

RICHARD A. McGEE  
Administrator  
Youth and Adult Corrections Agency

STATE OF CALIFORNIA

M E M O R A N D U M

YOUTH AND ADULT CORRECTIONS AGENCY

Date: April 30, 1963

To: Honorable Stanley Mosk,      Subject: Senate Bill No. 1442  
Attorney General  
Members of the Adult Authority  
Members of the Youth Authority Board  
Members of the Board of Trustees,  
California Institution for Women  
Mr. Walter Dunbar  
Director of Corrections  
Members of the California Rehabilitation  
Center Advisory Committee on Commitment  
Procedures and Treatment Programs

From: Richard A. McGee, Administrator  
Youth and Adult Corrections Agency

Enclosed is a printed copy of Senate Bill No. 1442 by Senator Regan. This bill proposes a series of amendments to the Narcotic Addict Rehabilitation Law. In substance, these amendments were drawn and introduced on recommendation of certain members of the judiciary and finally on agreement between Governor Brown and Senator Regan.

Because of the deadline for introducing bills in the Legislature, which was April 26, it was not possible to get direct reactions from many of you to whom this memorandum is being sent, and again, because of limitations of time, I am requesting that each of you study the bill and send to me any suggestions which you may have.

Attached herewith is a memorandum which attempts to state briefly the rationale for the amendments and a summary of what the bill provides.

The bill has not yet been set for hearing officially, but it is anticipated that this will occur probably during the last week of May. If amendments are to be made, they can be introduced at that time. Your early response to this matter will be appreciated.

*RAMcGee*  
RICHARD A. MCGEE  
Administrator

Encl.

*Narcotic Legis.*

SACRAMENTO AP — The Senate Finance Committee today killed a key bill in Gov. Brown's program to control the abuse of dangerous drugs.

The measure, by Sen. Edwin J. Regan, D-Weaverville, would have imposed stiffer penalties for illicit use of such drugs as amphetamines and barbiturates.

It was strongly backed by Atty. Gen. Stanley A. Mosk to curb what he called California's No. 1 law enforcement problem and had cleared the Senate's Judiciary Committee.

A spokesman for the attorney general's office called the action "a major blow to law enforcement."

Regan estimated the bill would have cost the state \$4 million over a five-year period for increased enforcement.

Committee Chairman George Miller, Jr., D-Martinez, said he wasn't convinced that stiffer penalties would solve the problem.

Sen. Hugh P. Donnelly, D-Turlock, called it "silly" to restrict drugs that are not narcotics.

"Why do you have things that are not narcotics in this bill?" he asked.

Regan explained that the situation stemmed from a shift by addicts from the use of hard narcotics to the dangerous drugs. Legislation enacted in 1961 caused the shift, he noted.

The bill would have created a new category and made it a felony to possess, traffic in or forge prescriptions for these drugs.

The legislation would have added four new offenses involving dangerous drugs — possession for illegal sale; transportation, importation or offering to transport, import, sell, furnish administer or give away; fraud, deceit or misrepresentation in obtaining drugs, and unlawful using or being under the influence of drugs.

Under present law, only two offenses call for prison offenses — cases involving minors and buying the drugs with a forged or altered prescription.

The bill was part of a 16-point program, much of which has already cleared the Senate.

Regan said the defeat of the penalty measure "took the teeth out of the program."



SB 395

May 3, 1963

Honorable Peter J. Pitchess  
Sheriff, Los Angeles County  
211 W. Temple Street  
Los Angeles 12, California

Dear Sheriff:

Thank you very much for your immediate  
response to my request for support of  
SB 395.

At the Law and Legislative Committee meet-  
ing on Monday, May 6, I will attempt to  
get a resolution approved to support  
Senator Regan's attempts to gain a re-  
hearing before the Senate Finance Committee.

Cordially

Arthur L. Alarcon  
Executive Secretary

ALA:ja

Legis. Sec.



DOMESTIC SERVICE	
Check the class of service desired; otherwise this message will be sent as a full rate telegram	
FULL RATE TELEGRAM	
DAY LETTER	
NIGHT LETTER	

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# WESTERN UNION

1206 10-51

W. P. MARSHALL, PRESIDENT

INTERNATIONAL SERVICE	
Check the class of service desired; otherwise the message will be sent at the full rate	
FULL RATE	
LETTER TELEGRAM	
SHIP RADIOGRAM	

NO. WDS.-CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED

Send the following message, subject to the terms on back hereof, which are hereby agreed to

HONORABLE GEORGE MILLER, JR.  
CHAIRMAN, SENATE FINANCE COMMITTEE  
SACRAMENTO, CALIFORNIA

5/2/63

FAILURE OF SENATE BILL 395 IN YOUR COMMITTEE MAJOR SET BACK TO NARCOTIC LAW ENFORCEMENT. S.B. 395 WELL CONSIDERED BILL AND EXTREMELY VITAL AND NECESSARY ADJUNCT TO CONTROL ABUSIVE USE OF DANGEROUS DRUGS. WE UNDER IMPRESSION S.B. 395 WAS TO BE CONSIDERED BY YOUR COMMITTEE AS CONCERNS ITS FINANCIAL OR FISCAL CONSIDERATIONS. WE WERE NOT INFORMED NOR AWARE YOUR COMMITTEE WOULD CONSIDER BILL ON ITS MERITS. LAW ENFORCEMENT EXTREMELY DESIROUS FOR COMMITTEE'S RECONSIDERATION OF THIS BILL AND FOR THE OPPORTUNITY TO APPEAR AND SET FORTH BILL'S VITAL NEEDS IN CONTROLLING ILLICIT USE DANGEROUS DRUGS.

PETER J. PITCHESS, SHERIFF  
LOS ANGELES COUNTY  
211 W. TEMPLE STREET, LOS ANGELES 12, CALIFORNIA

*Handwritten signature and date:*  
5-2-63

## ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeatable message rate is charged in addition. Unless otherwise indicated on its face, this is an unrepeatable message and paid for as such, in consideration whereof it is agreed between the sender of the message and the Telegraph Company as follows:

1. The Telegraph Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the unrepeatable message rate beyond the sum of five hundred dollars; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeatable message rate beyond the sum of five thousand dollars, unless specially valued; nor in any case for delays arising from unavoidable interruption in the working of its lines.

2. In any event the Telegraph Company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the actual loss, not exceeding in any event the sum of five thousand dollars, at which amount the sender of each message represents that the message is valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeatable message rate is paid or agreed to be paid and an additional charge equal to one-tenth of one per cent of the amount by which such valuation shall exceed five thousand dollars.

3. The Telegraph Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. Except as otherwise indicated in connection with the listing of individual places in the filed tariffs of the Telegraph Company, the amount paid for the transmission of a domestic telegram or an incoming cable or radio message covers its delivery within the following limits: In cities or towns of 5,000 or more inhabitants where the Telegraph Company has an office which, as shown by the filed tariffs of the Telegraph Company, is not operated through the agency of a railroad company, within two miles of any open main or branch office of the Telegraph Company; in cities or towns of 5,000 or more inhabitants where, as shown by the filed tariffs of the Telegraph Company, the telegraph service is performed through the agency of a railroad company, within one mile of the telegraph office; in cities or towns of less than 5,000 inhabitants in which an office of the Telegraph Company is located, within one-half mile of the telegraph office. Beyond the limits above specified the Telegraph Company does not undertake to make delivery but will endeavor to arrange for delivery as the agent of the sender, with the understanding that the sender authorizes the collection of any additional charge from the addressee and agrees to pay such additional charge if it is not collected from the addressee. There will be no additional charge for deliveries made by telephone within the corporate limits of any city or town in which an office of the Telegraph Company is located.

5. No responsibility attaches to the Telegraph Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Telegraph Company's messengers, he acts for that purpose as the agent of the sender.

6. The Telegraph Company will not be liable for damages or statutory penalties when the claim is not presented in writing to the Telegraph Company, (a) within ninety days after the message is filed with the Telegraph Company for transmission in the case of a message between points within the United States (except in the case of an intrastate message in Texas) or between a point in the United States on the one hand and a point in Alaska, Canada, Mexico, or St. Pierre-Miquelon Islands on the other hand, or between a point in the United States and a ship at sea, or in the air, (b) within 95 days after the cause of action, if any, shall have accrued in the case of an intrastate message in Texas, and (c) within 180 days after the message is filed with the Telegraph Company for transmission in the case of a message between a point in the United States and a foreign or overseas point other than the points specified above in this paragraph; provided, however, that this condition shall not apply to claims for damages or overcharges within the purview of Section 415 of the Communications Act of 1934, as amended.

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8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

9. No employee of the Telegraph Company is authorized to vary the foregoing.

5-52

## CLASSES OF SERVICE

### DOMESTIC SERVICES

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A full rate expedited service.

#### DAY LETTER (DL)

A deferred service at lower than the full rate

#### NIGHT LETTER (NL)

Accepted up to 2 A. M. for delivery not earlier than the following morning at rates substantially lower than the full rate telegram or day letter rates.

### INTERNATIONAL SERVICES

#### FULL RATE (FR)

The standard fast service at full rates. May be written in any language that can be expressed in Roman letters, or in secret language. A minimum charge for 5 words applies.

#### LETTER TELEGRAM (LT)

Overnight plain language messages. Minimum charge for 22 words applies

#### SHIP RADIOGRAM

A service to and from ships at sea. Plain or secret language may be used. Minimum charge for 5 words applies.

Legislation

FOR IMMEDIATE RELEASE

PRESS RELEASE - LH - #345  
Governor Edmund G. Brown  
May 3, 1963

Governor Edmund G. Brown today asked the senate finance committee to reconsider their vote to kill a key bill in his 16-point program to control the abuse of dangerous drugs.

The committee voted down the measure which would have imposed stiffer penalties involving the use and trafficking in such drugs as amphetamines and barbiturates.

"Without these stiffer penalties, efforts to control the use of dangerous drugs will be seriously hampered," the governor said.

"I strongly urge you to reconsider this legislation. The Attorney General and other law enforcement agencies are in complete agreement that it is necessary for proper enforcement of other measures in our control program which the Senate already has favorably considered and which we are confident will be enacted by the legislature."

The measure, which was rejected by the finance committee, was authored by Senator Edwin J. Regan of Weaverville.

It would have created a new category and made it a felony to possess, traffic in or forge prescriptions for certain drugs. It would have added four new offenses involving dangerous drugs: possession for illegal sale; transportation, importation or offering to transport, import, sell, furnish, administer or give away; fraud, <sup>in</sup>deceit or misrepresentation/obtaining drugs, and unlawful using or being under the influence of drugs.

The governor pointed out that stiffer penalties are needed to control addicts and peddlers who have turned to the so-called dangerous drugs because their supplies of narcotics have been curtailed.

\* \* \*

Governor Brown

May 3, 1963

NARCOTIC REHABILITA-  
TION LEGISLATION.

Arthur Alarcon

The attached copy letter contains the comments of Judge Louis Burke on the narcotic rehabilitation legislation. As you can see from the letter Chief Parker and Sheriff Pitchess are solidly behind this amendment.

ALA:jm  
Attachment

*narcotic legs*

LOUIS H. BURKE  
PRESIDING JUSTICE

EDWIN L. JEFFERSON  
JUSTICE

ROBERT KINGSLEY  
JUSTICE

STATE OF CALIFORNIA

District Court of Appeal

SECOND DISTRICT - DIVISION FOUR

STATE BUILDING, LOS ANGELES

April 25, 1963

RECEIVED  
GOVERNOR'S OFFICE  
APR 25 1963  
TO C/MA ES 974 6371

Jim

Mr. Richard A. McGee  
Department of Corrections  
State Office Building No. 1  
Sacramento, California

Dear Dick:

I have reviewed the major proposals of the proposed amendments to the narcotic detention and treatment program with both Chief Parker and Sheriff Fitchess. Both of them were enthusiastic in their support of the proposals and assured me that they were confident that the program would have the active support of law enforcement. (Pete Fitchess went so far as to say I could quote him.)

Incidentally, they both made a point of commenting favorably on the last-minute suggestion which I had made to you that while an addict is on outpatient status that he be subject to being retaken back to the hospital upon information secured from law enforcement officers, as well as by reports of the "parole" officer, and this is the way it really should be because all of us have in mind that the quicker we can get one of these people back into the institution once he begins to slip the better for him, and the better for the public.

It would be well to send Judge Brucker a copy of the bill as soon as you have it, and please also send a couple to me for my files.

Sincerely,

Louis H. Burke  
Presiding Justice

LHB:emh

cc: > Governor Edmund G. Brown

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STATE OF CALIFORNIA

District Court of Appeal

SECOND DISTRICT - DIVISION FOUR

STATE BUILDING, LOS ANGELES

April 25, 1965

LOUIS H. BURKE  
PRESIDING JUSTICE

TOWIN L. JEFFERSON  
JUSTICE

ROBERT KINGSLEY  
JUSTICE

Mr. Richard A. McGee  
Department of Corrections  
State Office Building No. 1  
Sacramento, California

Dear Dick:

I have reviewed the major proposals of the proposed amendments to the narcotic detention and treatment program with both Chief Parker and Sheriff Pitchess. Both of them were enthusiastic in their support of the proposals and assured me that they were confident that the program would have the active support of law enforcement. (Pete Pitchess went so far as to say I could quote him.)

Incidentally, they both made a point of commenting favorably on the last-minute suggestion which I had made to you that while an addict is on outpatient status that he be subject to being returned back to the hospital upon information secured from law enforcement officers, as well as by reports of the "parole" officer, and this is the way it really should be because all of us have in mind that the quicker we can get one of these people back into the institution once he begins to slip the better for him, and the better for the public.

It would be well to send Judge Brunker a copy of the bill as soon as you have it, and please also send a couple to me for my files.

Sincerely,

Louis H. Burke  
Presiding Justice

LHB:exh.

cc: > Governor Edmund G. Brown

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STATE OF CALIFORNIA

District Court of Appeal

SECOND DISTRICT - DIVISION FOUR

STATE BUILDING, LOS ANGELES

April 25, 1953

LOUIS H. BURKE  
PRESIDING JUSTICE

LOWIN L. JEFFERSON  
JUSTICE

ROBERT KINGSLEY  
JUSTICE

RECEIVED  
GOVERNOR'S OFFICE  
APR 25 1953

gm

Mr. Richard A. McGee  
Department of Corrections  
State Office Building No. 1  
Sacramento, California

Dear Dick:

I have reviewed the major proposals of the proposed amendments to the narcotic detention and treatment program with both Chief Parker and Sheriff Pitches. Both of them were enthusiastic in their support of the proposals and assured me that they were confident that the program would have the active support of law enforcement. (Pete Pitches went so far as to say I could quote him.)

Incidentally, they both made a point of commenting favorably on the last-minute suggestion which I had made to you that while an addict is on outpatient status that he be subject to being retaken back to the hospital upon information secured from law enforcement officers, as well as by reports of the "parole" officer, and this is the way it really should be because all of us have in mind that the quicker we can get one of these people back into the institution once he begins to slip the better for him, and the better for the public.

It would be well to send Judge Drucker a copy of the bill as soon as you have it, and please also send a couple to me for my files.

Sincerely,

Louis H. Burke  
Presiding Justice

LHB:emh

cc: >Governor Edmund G. Brown

C  
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STATE OF CALIFORNIA

EDMUND G. BROWN  
GOVERNOR

RICHARD A. MCGEE  
AGENCY ADMINISTRATOR

ADULT AUTHORITY  
JOHN W. BREWER, CHAIRMAN  
CLETUS J. FITZHARRIS, VICE-CHAIRMAN  
JOHN G. BELL, MEMBER  
ABELICIO CHAVEZ, MEMBER  
FRED FINSLEY, MEMBER  
HARRY M. KAMP, MEMBER  
WILLIAM H. MADDEN, MEMBER  
JOSEPH A. SPANGLER  
ADMINISTRATIVE OFFICER



YOUTH AND ADULT CORRECTIONS AGENCY

*Adult Authority*

504 STATE OFFICE BUILDING NO. 1  
SACRAMENTO 14, CALIFORNIA

May 7, 1963

*Please refer to  
File No.*

Mr. Arthur Alarcon  
Executive ~~Clerk~~ Secretary  
Governor's Office  
State Capitol  
Sacramento, California

Dear Arthur:

Attached is a copy of a reply to Mr. Richard McGee as requested in a very recent communication regarding Senate Bill No. 1442. I also sent a copy to Governor Brown.

As you know, I have recently become concerned with some aspects of the California Rehabilitation Center program and I feel that it is important that certain persons be aware of what could develop into an embarrassing situation. My only interest in this matter is that it be given a fair opportunity to succeed and I certainly feel obligated to make known conditions that I feel bear watching.

Please be assured of my continued interest and cooperation in this and other matters of mutual interest.

Sincerely,

WILLIAM H. MADDEN

WHM:of  
attachment



STATE OF CALIFORNIA

EDMUND G. BROWN  
GOVERNOR

RICHARD A. MCGEE  
DIRECTOR OF CORRECTIONS

ADULT AUTHORITY  
FRED FINSLEY, CHAIRMAN  
CLETUS J. FITZHARRIS, VICE-CHAIRMAN  
CLINTON T. DUFFY, MEMBER  
OSCAR J. JAHNSEN, MEMBER  
JOHN G. BELL, MEMBER  
JOHN W. BREWER, MEMBER  
ABELICIO CHAVEZ, MEMBER

JOSEPH A. SPANGLER  
ADMINISTRATIVE OFFICER



DEPARTMENT OF CORRECTIONS

Adult Authority

502 STATE OFFICE BUILDING No. 1  
SACRAMENTO 14, CALIFORNIA

May 7, 1963

Please refer to  
File No.

Mr. Richard A. McGee, Administrator  
Youth and Adult Corrections Agency  
Room 447, State Office Building 1  
Sacramento 14, California

Dear Mr. McGee:

In reply to your communication of April 30, 1963, re Senate Bill No. 1442, which was introduced to the Legislature as of April 26, 1963, I am pleased to submit the following.

I was extremely disappointed that the joint meeting of the Adult Authority and the Board of Trustees of the California Institution for Women of February 28, 1963, was planned and called without information regarding the scope of the attendance and the agenda matter being made available to the members of the Adult Authority. Needless to say I was greatly surprised to walk into that meeting and find that such an important subject was to be discussed by Senator Edwin J. Egan, Justice Louis Burke, Mr. Arthur Alarcon, Dr. Joel Fort, Judge William Munnell and representatives of the Attorney General and the California Rehabilitation Center. Had I been forewarned of this meeting as planned I would have come prepared to discuss this matter in an intelligent manner and bring to the attention of those in attendance matters which were not made known and which should be discussed if a realistic analysis is to be made of the CRC program. Therefore, I welcome this opportunity to briefly comment on the program and offer my suggestions on the proposed bill for what it may be worth.

Many persons particularly law enforcement officers were greatly concerned at the inception of the legislation pertaining to the Commitment and Corrective Treatment of Narcotic Addicts lest it become an escape-hatch for serious law violators including, in particular, narcotic peddlers. Skeptics were assured that this would not happen and if on occasion a serious offender did slip into the program sufficient controls were present to make certain that he was not released in such a

May 7, 1963

short time that it would serve as encouragement for others as well as himself to further violations. It has come to my attention that there are persons at the California Rehabilitation Center who have certainly been narcotic peddlers worthy of note. There are undoubtedly many serious offenders in the program and these could only be revealed by a careful analysis of each case as there have been numerous questionable subjects called to my attention. Two of these with whom I am familiar at this time are Hernandez, Jose Garcia M20771 and Cabrera, Reyes Jr. LA500287E ("N" number unknown).

A study of Hernandez indicates an arrest record starting with burglary in 1936. His criminal arrest history includes an entry for the possession and sale of narcotics in 1939, ADW in 1942, being placed on a peace bond in El Paso, Texas, in 1948, CCW, carrying a pistol in 1949, included in addition to the present charge of narcotic possession are other narcotic and theft arrests. At the time of the latest arrest, subject was apprehended in possession of one-fourth ounce of heroin. The arresting officers had information that the subject was peddling from his home and after observing narcotic addicts enter and leave they entered and recovered the evidence from the person of Hernandez. Hernandez received one-fourth ounce of heroin from his connection daily and sold the same, although he was steadily employed at the General Motors plant in South Gate. He stated he used two capsules a day sporadically, although his sales amounted to one and three-fourths ounces per week or approximately eight ounces per month. The price of a capsule of heroin is \$3.00, and there are 300 capsules to the ounce which clearly indicated the subject was responsible for the sale of \$1,575.00 worth of narcotics a week, or \$7,200.00 per month. It is difficult to consider this man as a peddler only to support his own narcotic habit by any stretch of the imagination. Of particular note was the subject's habit of daily work in addition to his illegal narcotic sales.

Cabrera, an active peddler, was arrested by Los Angeles Police Officers on June 14, 1961, at his home in possession of one ounce of heroin. At the time of the arrest, his wife was present and had \$757.00 in her purse. Although a user, Cabrera, was apparently a financial success in his venture. The officers state subject rarely kept more than two ounces in his home at one time although he could supply any amount requested on short order. Subject was very uncooperative with the arresting officers although he did admit he started using marijuana at the age of 17, and was presently using heroin.

While on bail on the above charge, the Los Angeles Sheriff's Department received information that Cabrera was selling heroin from his home and addicts were using the location as a "shooting gallery". The Sheriff's investigators were told that the subject was in possession of a quantity of heroin. Another person agreed to assist the officers and as a result he bought two capsules of heroin from Cabrera. He further informed the investigators that three other addicts were present. The investigators went to subject's home and after forcing entry they observed Cabrera run to the bathroom and flush the commode. Despite the subject reaching the bathroom first the investigators recovered five capsules of heroin and other narcotic paraphernalia. Five other persons were arrested at this time in the Cabrera home and all were narcotic users except subject's wife. Sheriff's investigators state that Cabrera was dealing heavy just prior to his arrest. The charges on the Sheriff's arrest were dismissed upon subject's conviction of the prior LAPD arrest and he was later committed to the California Rehabilitation Center.

May 7, 1963

The above are but two of the many narcotic peddlers at the California Rehabilitation Center. Statistics indicate that as of December 31, 1962, there were 1103 male persons in California Rehabilitation Center. Of those 128 or 11.6% were convicted narcotic peddlers and that 27.3% of those convicted on narcotic charges and committed to California Rehabilitation Center were convicted in Superior Court of selling narcotic. Extreme vigilance will always be necessary to prevent narcotic peddlers and other serious felons taking advantage of a short term commitment to California Rehabilitation Center and thus nullifying the effectiveness of the increased narcotic law penalties of 1961.

It is unfortunate that matters such as these were not made available at the meeting of February 28, 1963, so that the entire picture could be presented to Senator Bogan, Justice Burke and others. I feel strongly that the California Rehabilitation Center program should be thoroughly discussed by all concerned agencies of government to determine the direction in which the narcotic problem in California is headed. I know that other members of the Adult Authority have information and feelings which should be known as they have been in an excellent position to have firsthand knowledge of the program.

I would offer the following comments and suggestions on the proposed revision of the California Penal Code as covered by Senate Bill No. 1442.

The summary statement concerning Senate Bill 1442 states as follows "the California Supreme Court included in support of the above decision (DeLaO) many admonitions referring to the 'indicia of criminality' in this law. Therefore, the purpose of these amendments is to remove from the law these indicia of criminality." Included in this statement is the following "One of the most widely criticized 'indicia of criminality' in the present law related to the fact that the quasi-decision making bodies which control the release of these civil commitments are the same boards that deal with the assessment of criminality and the fixing of prison terms and the granting and revoking of paroles of convicted and sentenced felons."

In analyzing the DeLaO decision as reported in 52 AC No. 6 - page 142 and 143:

(17) Id - Commitment for Narcotic Addiction - Statutory Provisions - A legislative intent to treat as a penal sanction a narcotic addict's confinement under Penal Code, 6450, relating to involuntary commitment of narcotic addicts convicted of a misdemeanor, is not demonstrated by the fact that Penal Code, 6520, relating to the discharge from confinement of narcotic addicts, vests primary discretion for the granting of paroles and the recommending of discharges in the Adult Authority, the agency empowered to grant paroles and fix sentences for persons committed to a state prison, since Penal Code, 6520, does not require that the rules and regulations under which parole is administered be the same as those enforced in cases of parole from state prison, particularly where Penal Code 6404, prescribes rules that appear to be designed to meet the particular needs of an addict in the later stages of the process of rehabilitation; such rules do not evidence a legislative intent that the prior confinement constitute a penal sanction.

May 7, 1963

(13) Id - Commitment for Narcotic Addiction - Constitutionality of Statutes - Although the legislature has unnecessarily and unfortunately attached external indicia of criminality to the program and institution created by Penal Code Sections 6400 et seq., relating to the commitment and corrective treatment of narcotic addicts by placing them under the direction and control of the Director of Corrections and codifying the statutory scheme in the Penal Code, the demonstrably civil purpose, mechanism, and operation of the program outweigh its external "criminal" indicia, and a narcotic addict's commitment and confinement under the program do not constitute cruel and unusual punishment.

It appears that the language used in regard to the control of the program under the Director of Corrections and codifying the statutes in the Penal Code is much stronger than that used in describing the role of the present releasing authorities and procedure. No steps are being taken to safeguard the program in the proposed bill on these points, and I immediately wonder if the urgency of submitting this bill has caused these other more important points to be overlooked. If the program is to be continued with the present philosophy that the persons committed are "sick" and in need of treatment then I would propose the following as necessary in light of the expected U. S. Supreme Court action:

1. Remove the statutes from the Penal Code and re-enact under the Health and Safety Code.
2. Remove the program from the Department of Corrections entirely and place it under control of the Department of Mental Hygiene.

In light of the majority opinion of the U. S. Supreme Court in the Robinson case, it is extremely difficult to reach the persons new to the use of narcotics and who would most likely succeed in a short-term rehabilitation program. Law enforcement is experiencing great difficulty in making these persons available to the courts for processing into the program. Only in rare cases does a narcotic user seek assistance in a voluntary manner. The fact that 5% of the adult CPC population have been committed as the result of felony charges in the Superior Court and only 27% referred by lower courts as the result of misdemeanor charges (as of December 31, 1962) presents a serious problem and one worthy of study.

In closing I wish to reiterate that we should all be greatly concerned that the CPC program does not develop into an out for serious offenders who are quickly released into the community to continue their illegal activities. We must remember that this program is a total experiment into a field that has been noted for its previous failures and although there are more features in the present program to control those released it is imperative that all the controls possible be utilized to prevent future justified criticism of the CPC program or its management should it not succeed. We must be doubly alert to prevent known serious narcotic offenders, particularly peddlers, from being accepted into the program and released quickly in the oft-criticized revolving door policy which recently received such notoriety. Nationwide attention has been attracted to the CPC program and others shall be watching this program for varied reasons.

Mr. McGee

- 5 -

May 7, 1963

Although this correspondence has developed into a lengthy missive, there remains much that could be said on this matter. I was pleased to have this opportunity to belatedly express my feelings, at least in part, on this matter and would be happy to assist in any way possible to effectively combat the very vicious narcotic evil that is of such magnitude in the State of California.

Sincerely,

WILLIAM R. MADDEN

WIM:kr

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P  
Y

STATE OF CALIFORNIA

EDMUND G. BROWN  
GOVERNOR

RICHARD A. MCGEE  
AGENCY ADMINISTRATOR

ADULT AUTHORITY  
JOHN W. BREWER, CHAIRMAN  
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FRED FINSLEY, MEMBER  
HARRY M. KAMP, MEMBER  
WILLIAM H. MADDEN, MEMBER

JOSEPH A. SPANGLER  
ADMINISTRATIVE OFFICER



YOUTH AND ADULT CORRECTIONS AGENCY

Adult Authority

504 STATE OFFICE BUILDING No. 1

SACRAMENTO 14, CALIFORNIA

May 9, 1963

Please refer to  
File No.

Mr. Richard A. McGee  
Agency Administrator  
Youth and Adult Corrections Agency  
State Office Building #1  
Sacramento 14, California

Dear Mr. McGee:

Your memorandum of April 30, 1963, and your letter of May 2, 1963, both related to Senate Bill 1442, have been received. You have solicited the Boards' reactions and suggestions to this proposed legislation. The Board has rejected the Bill by a five to two vote, but I feel that I should express my personal feelings. I am opposed to the legislation for the following reasons.

1. The ostensible reason for the Bill is to remove the punitive aspects from the CRC program. It is not the Adult Authority that gives the punitive aspect. It is the fact that the entire program, custody, etc., is under the direction of the Department of Corrections, and the certification for release must be made by the Director of Corrections. Also, many of the patients involved are housed at Tehachapi and CMC-East along side "A" number felons. All this Bill does is to create a new inexperienced "Authority" to replace the experienced Authority that is now doing a capable job. If the entire program was transferred to Mental Hygiene, I would have no objection.

2. In view of the findings set forth in your report released December 28, 1962, and titled "The Paroling Agencies," more commonly known as the Task Force Report, how is it possible for the administration to support this legislation? That report, prepared after ten months of study by appointees of your office, which included a survey of practices of other jurisdictions, as well as consultations with leaders within our State, recommended that one of the paroling boards be abolished, and the membership of the Adult Authority be decreased from seven to five members. That report indicated the responsibilities of the paroling boards, including the review of the CRC cases, were then being handled adequately. How is it now possible for you to reverse the findings and recommendations of your own staff?



Mr. Richard A. McGee

-2-

May 9, 1965

3. The CRC program has not been in effect long enough to evaluate its effectiveness. There has not been enough patients released to out-patient care long enough to make any kind of objective judgment. The entire treatment part of the program is based upon the HCU pilot project, but has anyone bothered to find out where those original 50 men are today? Does the treatment offered these "W" number cases vary in any way from the programs for the ICA cases now in operation within the penal facilities of the Department? Do not the rules set forth in the Administrative Manual guide the CRC staff in operation of their program? Are not the disciplinary cases handled exactly like those within the penal institutions and according to the Manual? In other words, the only thing different about the CRC program from the penal institution program is the out-patient care which the Adult Authority has nothing to do with.

4. What is going to be the reaction of law enforcement, the Judiciary, and the million people who signed that narcotic petition two years ago? Those people who marched to Sacramento two years ago to protest the handling of narcotic cases did not camp on your doorstep nor mine. They were after the Governor's seal, and he is the one who is going to be criticized if this new Bill provides an "escape hatch" from Senate Bill 9.

5. I believe that the Adult Authority, who is principally concerned in this legislation, should have had the courtesy of being informed that such a Bill was being drafted before it was introduced to the Senate. The first we knew about it was five days after its introduction.

Also, I don't like being ordered by you to refrain from discussing this Bill with any of the Legislators. It was always my idea that the Legislators who are the ones voting on a bill should hear both sides of any question, particularly since the Board was not informed nor consulted about the drafting of this Bill.

I hope I have made myself clear as to my position in this matter. If not, I will be happy to discuss it further at your convenience.

Sincerely,

ORIGINAL SIGNED BY

Dr. HARRY M. KEMP  
Member

EWAK:K

cc: Governor Brown  
Senator Regan  
Mr. Alarcon  
Mr. Atank  
Mr. Dumas  
Mr. Bremer  
Mrs. Lewis

*all*  
FOR IMMEDIATE RELEASE

PRESS RELEASE - JB - #364  
Governor Edmund G. Brown  
May 9, 1963

Governor Edmund G. Brown today issued the following statement in response to requests for comment on remarks by Mayor Yorty about Percodan:

I would certainly welcome an investigation if Mayor Yorty's charges warranted one, but the public records show he is wrong on every important point about Percodan.

In the first place, Mr. Wyman's only connection with any of the so-called "dangerous drugs" is as attorney for the firm which manufactures Percodan.

The bill to control Percodan is the only one of our dangerous drug bills which is well on its way to becoming law, so Mayor Yorty's case falls apart right there.

The Percodan bill has passed the Senate Judiciary Committee, <sup>and</sup> the Senate and is now set for hearing by the Assembly Criminal Procedures Committee on May 14.

But even though Mayor Yorty was mistaken about Percodan, he is right about the other dangerous drugs bills which I have been urging for more than a year.

The bills which would provide tougher penalties for sales of dangerous drugs have been stalled in Senate committee and those are the bills Senator Regan was talking about.

We need those bills and I welcome Mayor Yorty's remarks about dangerous drugs yesterday as a sign that he intends to join our fight to get this legislation through.

\* \* \*



*Ed legis*

*MB*

MEMO TO THE PRESS  
Governor Edmund G. Brown  
May 15, 1963

Governor Edmund G. Brown today made the following statement in response to requests for comment on the Percodan control bill:

"The Percodan control measure is essential to law enforcement officers in California and I will continue to support their fight for it. I hope that during the coming months, the case for controls of Percodan can be bolstered and the legislature can be convinced of the need for this law."

Jack Burby  
Press Secretary

\* \* \* \*

State of California

narcotics

# Memorandum

To : Arthur Alarcon

*gla*

Date : May 29, 1963

Subject: SB 1442

3:20 P.M.

✓  
From : Dan Luevano (per Joyce)

I have a bill before me dealing with the subject of narcotic addiction in which I am sure Art is interested. It is SB 1442 - Regan. It creates an advisory body to advise the Youth and Adult Corrections Agency.

I believe the Agency will actively support the bill. I bring this to Art's attention because I would like to know how he wishes the Department of Finance to act.

It comes up tomorrow morning at 9:00 a.m. in committee, so something would have to be done about it this evening, or else we could wait until it hits the Senate floor.

(MR. ALARCON: I HAVE ATTACHED PREVIOUS ON THIS BILL WHICH I TOOK OUT OF YOUR INCOMING TRAY.)

An act to amend Sections 6400, 6401, 6450, 6451, 6500, 6506, 6520, 6521, 6550, and 6551, and the heading of Article 4 (commencing with Section 6520) of Chapter 11 of Title 7 of Part 3 of, and to add Sections 6399 and 6403, and Article 4 (commencing with Section 6515) to Chapter 11 of Title 7 of Part 3 of, and to repeal Sections 6403 and 6404 of, the Penal Code, relating to narcotic addiction.

The people of the State of California do enact as follows:

Section 1. Section 6399 is added to Article 1 (commencing with Section 6400) of Chapter 11 of Title 7 of Part 3 of the Penal Code to read:

6399. It is the intent of the Legislature that persons addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted, shall be treated for such condition and its underlying causes, and that such treatment shall be carried out for nonpunitive purposes not only for the protection of the addict, or person in imminent danger of addiction, against himself, but also for the prevention of contamination of others, and the protection of the public. Persons committed to the program provided for in this chapter who are uncooperative with efforts to treat them or are otherwise unresponsive to treatment, nevertheless should be kept in the program for purposes of control. It is the further intent of the Legislature that persons committed to this program who show signs of progress after an initial or subsequent periods of treatment and observation be given reasonable opportunities to demonstrate ability to abstain from the use of narcotics under close supervision in outpatient status outside of the Rehabilitation Center provided for in Chapter 12 (commencing with Section 6550) of this title. Determinations of progress of persons committed

to the program should be based upon criteria to be established by the Director of Corrections with the advice of clinically trained and experienced personnel.

Sec. 2. Section 6400 of said code is amended to read:

6400. The narcotic detention, treatment and rehabilitation facility referred to herein shall be one within the Department of Corrections whose principal purpose shall be the receiving, control, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted.

Sec. 3. Section 6401 of said code is amended to read:

6401. Every person confined pursuant to this chapter who escapes or attempts to escape from lawful custody is guilty of a crime punishable by imprisonment in the state prison for not exceeding five years or in the county jail for not exceeding one year.

Sec. 4. Section 6403 of said code is repealed.

Sec. 5. Section 6403 is added to said code, to read:

6403. (a) There is in the Youth and Adult Corrections Agency a Narcotics Rehabilitation Advisory Council, hereafter referred to in this section as the "council." The council shall be composed of nine members, each of whom shall be appointed by the Governor for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the council shall be

designated by the Governor from time to time. The terms of the members first appointed to the council shall expire as follows: three members on January 15, 1965; three members on January 15, 1966; and three members on January 15, 1967. Their successors shall hold office for four years, each term to commence on the expiration date of the term of the predecessor. Vacancies shall be filled by appointment for the unexpired term. Insofar as practicable persons appointed to the council shall have a broad background in law, sociology, law enforcement, medicine, or education and shall have a deep interest in the treatment and rehabilitation of narcotic addicts.

(b) Each member of the council shall give such time to the duties of his office as is required. The members of the council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter. The council shall hold at least four meetings each calendar year. The times and places of such meetings shall be designated by the chairman. In addition, the chairman shall, on written request of three members of the council, summon a meeting for the time and place specified in the request. The chairman shall give notice of each meeting to the Administrator of the Youth and Adult Corrections Agency, the Attorney General, the Director of Corrections, the Director of the Department of Mental Hygiene, the Director of the State Department of Public Health, the Superintendent of the California Rehabilitation Center, the Chairman of the Adult Authority, the Chairman of

the Board of Trustees of the California Institution for Women, and to representatives of statewide and regional professional organizations which appear to him to have a strong interest in the treatment and rehabilitation of narcotic addicts.

(c) The council shall:

(1) Advise the Governor, the Administrator of the Youth and Adult Corrections Agency, the Director of Corrections, the Narcotic Addict Evaluation Authority, and the Superintendent of the California Rehabilitation Center with respect to the receiving, confinement, control, employment, education, treatment, release policies and procedures, outpatient care and supervision, and rehabilitation of persons who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted;

(2) Study the operation of the California Rehabilitation Center and all research programs conducted in connection therewith, and assist in the planning, evaluating and interpretation of, the detention and treatment program as well as the policies and procedures employed in the supervision and management of persons committed to the program who are in either outpatient status or inpatient status;

(3) Submit at least one report annually to the Governor and the Legislature. Such report or reports will be transmitted through the office of the Administrator of the Youth and Adult Corrections Agency.

(d) The council shall not exercise any administrative functions or responsibilities in connection with the operation

of the California Rehabilitation Center and related programs. Its functions and duties are limited to acting in an advisory capacity.

(e) Expenses of the council and its members shall be paid from the appropriation for the support of the California Rehabilitation Center.

Sec. 6. Section 6404 of said code is repealed.

Sec. 7. Section 6450 of said code is amended to read:

6450. Upon conviction of a defendant of any crime in a municipal or justice court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition of the sentence and certify the defendant to the superior court.

The superior court shall direct the sheriff to file a petition to ascertain if such defendant is addicted to narcotics or is in imminent danger of becoming addicted thereto. Proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.

If, after a hearing and examination, the judge shall find that the defendant charged is a narcotic addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 6452 hereof, he shall make an order committing such defendant to the custody of the Director

of Corrections until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic drug addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section, after conviction of a misdemeanor, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

Sec. 8. Section 6451 of said code is amended to read:

6451. Upon conviction of a defendant for any crime in any superior court, if the judge ascertains that the defendant is addicted or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition of the sentence and direct the sheriff to file a petition to ascertain if such person is addicted to narcotics or in imminent danger thereof unless in the opinion of the judge the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section. If a petition is ordered filed, proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of the Welfare and Institutions Code.



If, after a hearing and examination, the judge shall find that the person charged is a narcotic drug addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

If a person committed pursuant to this section, after conviction of a felony, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

Sec. 9. Section 6500 of said code is amended to read:

6500. Anyone who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney who may petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

Sec. 10. Section 6506 of said code is amended to read:

6506. At the hearing the court shall determine whether the person is addicted to the use of narcotics or in imminent danger of addiction. If that issue is determined in the negative, the petition shall be denied. If the issue is determined in the affirmative, the court shall order the person committed to the custody of the Director of Corrections until such time as he is discharged in accordance with Article 5 of this chapter, except as provided in Sec. 6509.

Sec. 11. Article 4 (commencing with Section 6515) is added to Chapter 11 of Title 7 of Part 3 of said code to read:

Article 4. Release in Outpatient Status.

6515. (a) There is in the Youth and Adult Corrections Agency a Narcotic Addict Evaluation Authority, hereafter referred to in this article as the "authority." The authority shall be composed of three members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the authority shall be designated by the Governor from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1965, one on January 15, 1966, and one on January 15, 1967. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have

a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be paid a per diem of \$50 for each day's attendance at a meeting of the authority, for not to exceed 120 days in any year. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The authority shall maintain its headquarters at the California Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the California Rehabilitation Center.

(d) The authority shall meet at the center or its branches at such times as may be necessary for a full and complete study of the cases of all patients who are certified by the Director of Corrections to the authority as having recovered from addiction or imminent danger of addiction to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. Two members of the authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by two members of the authority.

6516. After an initial period of observation and treatment of six months, and subject to the rules and policies established by the Director of Corrections, whenever a person

committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that, in the opinion of the Director of Corrections, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding 12 months, in the anniversary month of the commitment of any person committed under this chapter, his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to all rules and regulations adopted by the authority, and subject to all conditions imposed by the authority, whether of general applicability or restricted to the particular person released in outpatient status, and subject to being retaken and returned to inpatient status as prescribed in such rules, regulations, or conditions. The supervision of such persons while in an outpatient status shall be administered by the Department of Corrections. Except as may be provided in the conditions adopted for persons in outpatient status or for any such person in particular, such persons are not subject to the provisions of Penal Code Section 2600.

A single member of the authority may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the authority.

6517. The rules for persons in outpatient status shall include but not be limited to close supervision of the person after release from the facility, periodic and surprise testing for narcotic use, counseling and return to inpatient status at the California Rehabilitation Center or its branches at the discretion of the authority, if from the reports of agents of the Department of Corrections or other information, including reports of law enforcement officers as to the conduct of the person, the authority concludes that it is for the best interests of the person and society that this be done.

6518. The Director of Corrections is authorized to establish one or more halfway houses in metropolitan areas as pilot projects in order to determine the effectiveness of such control on the addict's rehabilitation, particularly upon his release from the narcotic detention and treatment facility. Rules and regulations governing the operation of such halfway houses shall be established by the Director of Corrections and shall provide for control of the earnings of persons assigned to such halfway houses during their residence there, from which shall be deducted such charges for maintenance as the Director of Corrections may prescribe.

Sec. 12. The heading of Article 4 (commencing with Section 6520) of Chapter 11 of Title 7 of Part 3 of said code is amended and renumbered to read:

Article 5. Discharge of Narcotic Addicts.

Sec. 13. Section 6520 of said code is amended to read:

6520. If at any time the Director of Corrections is of the opinion that a person committed pursuant to Article 3 of this chapter while in outpatient status has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of his release, he shall recommend to the Narcotic Addict Evaluation Authority that such person be discharged from the program. If the authority concurs in the opinion of the director, it shall discharge such person from the program.

If at any time the director is of the opinion that a person committed pursuant to Article 2 of this chapter while in outpatient status has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of his release, he shall so advise the Narcotic Addict Evaluation Authority, and if the authority concurs in the opinion of the director it may file with the superior court of the county in which the person was committed a certificate alleging such facts and recommending to the court the discharge of the person from the program. The authority shall serve a copy of such certificate upon the district attorney of the county. Upon the filing of such certificate, the court shall discharge the defendant from the program and may dismiss the criminal charges of which such person was convicted. Where such person was certified to the superior court from a municipal or justice court, the person shall be returned to such court, which may dismiss the original charges. In any case where the

criminal charges are not dismissed and the person is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203.4 of the Penal Code, except the conviction is a prior conviction for purposes of Division 10 of the Health and Safety Code.

Sec. 14. Section 6521 of said code is amended to read:

6521. If a person committed pursuant to this chapter has not been discharged from the program prior to expiration of seven years, the Director of Corrections shall, on the expiration of such period, return him to the court from which he was committed, which court shall discharge him from the program and order him returned to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court; or, if he was committed pursuant to Article 3, shall discharge him. If, however, it appears to the director that such person gives promise that, if his time on the program were extended, he could complete three consecutive years of abstinence from narcotics, the director shall return him to the court from which he was committed, with the recommendation that an extension not to exceed three years be ordered. The court may order such extension. If it declines to do so, it shall, if the person was committed pursuant to Article 3, discharge him, or, if he was committed pursuant to Article 2, return the person to the court

in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court.

If an extension of the commitment is ordered pursuant to the preceding provisions of this section, the person must be returned to the court and discharged from the program on or before the expiration of 10 years from the date of the original commitment.

No person committed pursuant to this chapter before the effective date of the 1963 amendments thereto shall be subject to the program for any longer period than the term of his commitment under the law as it read at the time he was committed. Nothing in this chapter shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

Sec. 15. Section 6550 of said code is amended to read:

6550. There is hereby established an institution, and branches thereof, under the jurisdiction of the Department of Corrections, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the Department of Corrections or of the Department of the Youth Authority, and in halfway houses, as described in Section 6518. The branches in the Department of the Youth Authority shall be established on order of the Administrator of the Youth and Adult Corrections Agency and shall be subject to the administrative direction of the Director of the Youth Authority.



Sec. 16. Section 6551 of said code is amended to read:

6551. The principal purpose of the California Rehabilitation Center shall be the receiving, control, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are addicted to the use of narcotics or are in imminent danger of becoming so addicted.

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April 24, 1963

**Memorandum**

To : Arthur Alarcon

Date : June 6, 1963



Subject:

From : Walter Barkdull (per Joyce)

1. I left a set of proposed amendments to SB 1442 with you. Do you have any comments on these?
  
2. Bills are in the hopper that conflict in section numbers. My tentative plan is to wrap into 1442 two of Petris' bills (AB 2387 and 2388) On 2388 Petris has agreed to make it 2 1/2 years.

Lagomarsino SB 836.

And we have to get Regan's 625 into it too.

JM

June 23, 1963

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RECEIVED  
GOVERNOR'S OFFICE

Honorable Edmund G. Brown  
Governor of California  
State Capitol  
Sacramento 14, California

Dear Governor Brown:

The following information is submitted in explanation of Senate Bill 336 - relating to narcotic addiction.

This bill amends sections 6450, 6451, and 6500 of the Penal Code. The amendments to sections 6450 and 6451 make only minor procedural changes in the law governing the commitment of persons convicted of a crime who are narcotic addicts or in imminent danger of becoming narcotic addicts. Section 6450 presently provides that in such cases, in municipal or justice courts, the judge shall suspend the proceedings or imposition of sentence and certify the defendant to the superior court. The superior court must then direct the sheriff to file a petition against the defendant. Pursuant to section 6451, the same rule prevails in the superior court in such cases - the court must suspend the proceedings or imposition of sentence and direct the sheriff to file a petition against the defendant.

The requirement that the sheriff file a petition is pointless and amounts to nothing more than red tape. He has no discretion in the matter. The court has no discretion. In other similar situations there is no such requirement, e.g. present sanity (Penal Code, section 1363) and sexual psychopaths (Welfare and Institutions Code, section 5501). In those cases, all that is required is that the superior court order the appropriate proceedings. Accordingly, S.B. 336 amends sections 6450 and 6451 to delete the requirement that the sheriff file a petition and to allow the court itself to conduct such proceedings.

Honorable Edmund G. Brown

-2-

June 20, 1963

The amendment to section 6500 makes a nonsubstantive change regarding who may report an addict or potential addict to the District Attorney. As presently written, section 6500 provides that a sheriff, chief of police, minister, physician, probation officer, relative, friend or any other person may make such a report to the district attorney. In view of the fact that anyone may make such a report, the enumeration of certain persons is superfluous, misleading, and confusing. Accordingly, S.B. 836 amends section 6500 to delete this language and provide that "anyone" may make such a report.

This bill was heard in Senate Judiciary and passed the Senate without a dissenting vote. It was heard in the Assembly Criminal Procedure Committee and passed the Assembly. I know of no opposition.

Senate Bill No. 1442 by Senator Regan, relating to the entire subject of commitment of drug addicts is also on your desk. It incorporates all of the charges made by S.B. 836. I would urge that you sign S.B. 1442 into law. If, however, for any reason you should decide not to sign 1442 then I would urge you sign S.B. 836.

Yours sincerely,

ROBERT J. LAGOMARSINO

RJL:tm

cc: Arthur L. Alarcon  
Paul D. Ward